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ABSTRACT

The Museum of Anthropology of the University of Northern Colorado (formerly known as Colorado State College) has assembled a large number of Indian tribal charters, constitutions, and by-laws to be reproduced as a series of publications. Included in this volume are the amended charter and constitution of the Jicarilla Apache Tribe, Dulce, New Mexico; the amended charter and revised constitution of the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; the amended corporate charter, amended constitution, and by-laws of the San Carlos Apache Tribe of Arizona; the amended constitution and by-laws of the White Mountain Apache Tribe of the Fort Apache Indian Reservation, Arizona; the constitution of the Cocopah Tribe, Somerton, Arizona; the corporate charter, constitution, and by-laws of the Havasupai Tribe of the Havasupai Reservation, Arizona; the constitution and by-laws of the Hopi Tribe of Arizona; the amended corporate charter, amended constitution, and by-laws of the Hualapai Tribe of the Hualapai Reservation, Arizona; the corporate charter, constitution, and by-laws of the Fort McDowell Mohave-Apache Community of Arizona; and the constitution and by-laws of the Fort Mojave Tribe of the Fort Mojave Reservation of Arizona, Nevada, and California. The document contains 2 maps of various reservations. (AL)

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CHARTERS, CONSTITUTIONS AND BY-LAWS OF THE INDIAN TRIBES OF NORTH AMERICA

Part III: The Southwest (Apache—Mohave)

compiled/edited by

George E. Fay

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Museum of Anthropology
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Greeley, Colorado
80631

October, 1967

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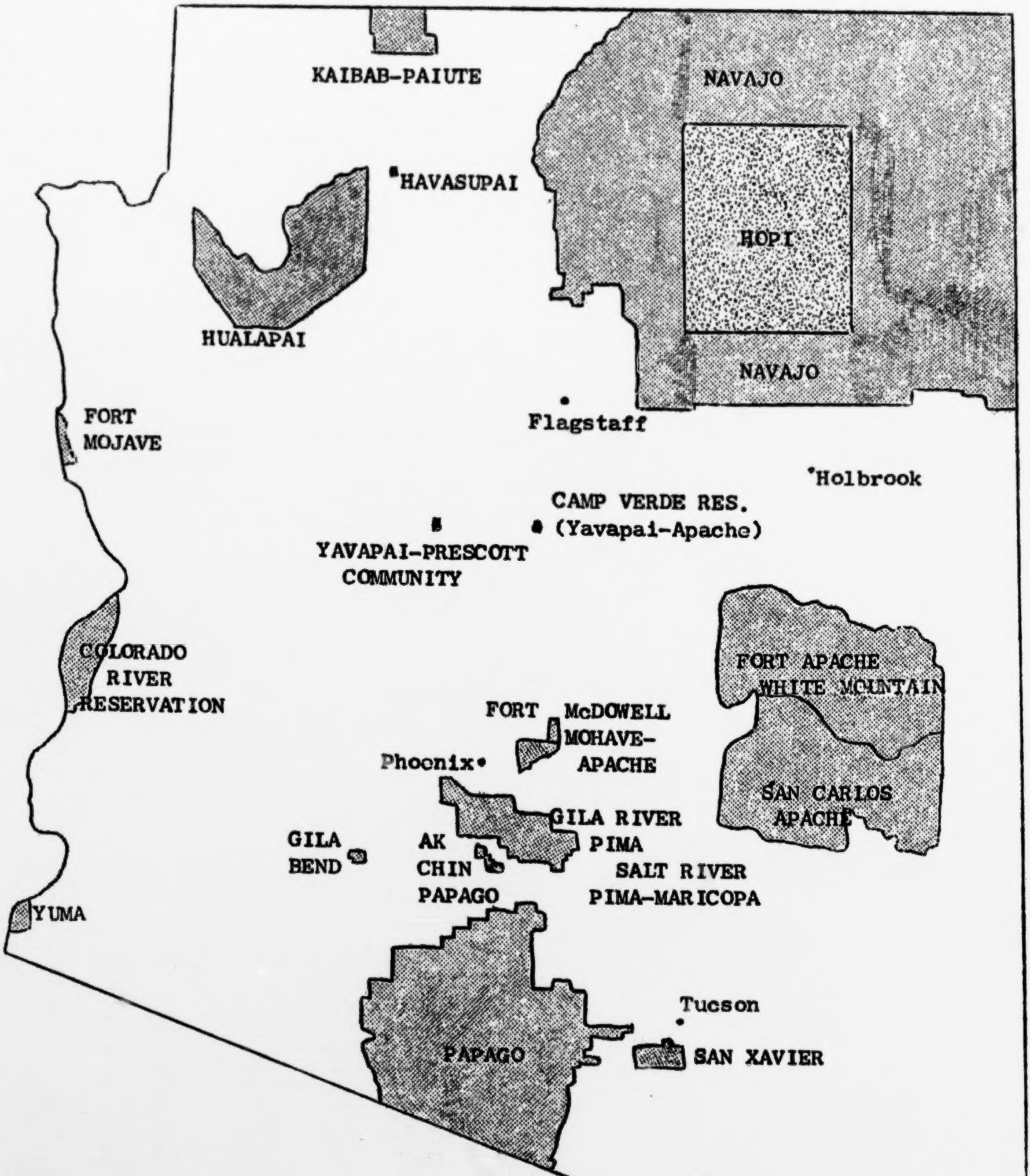
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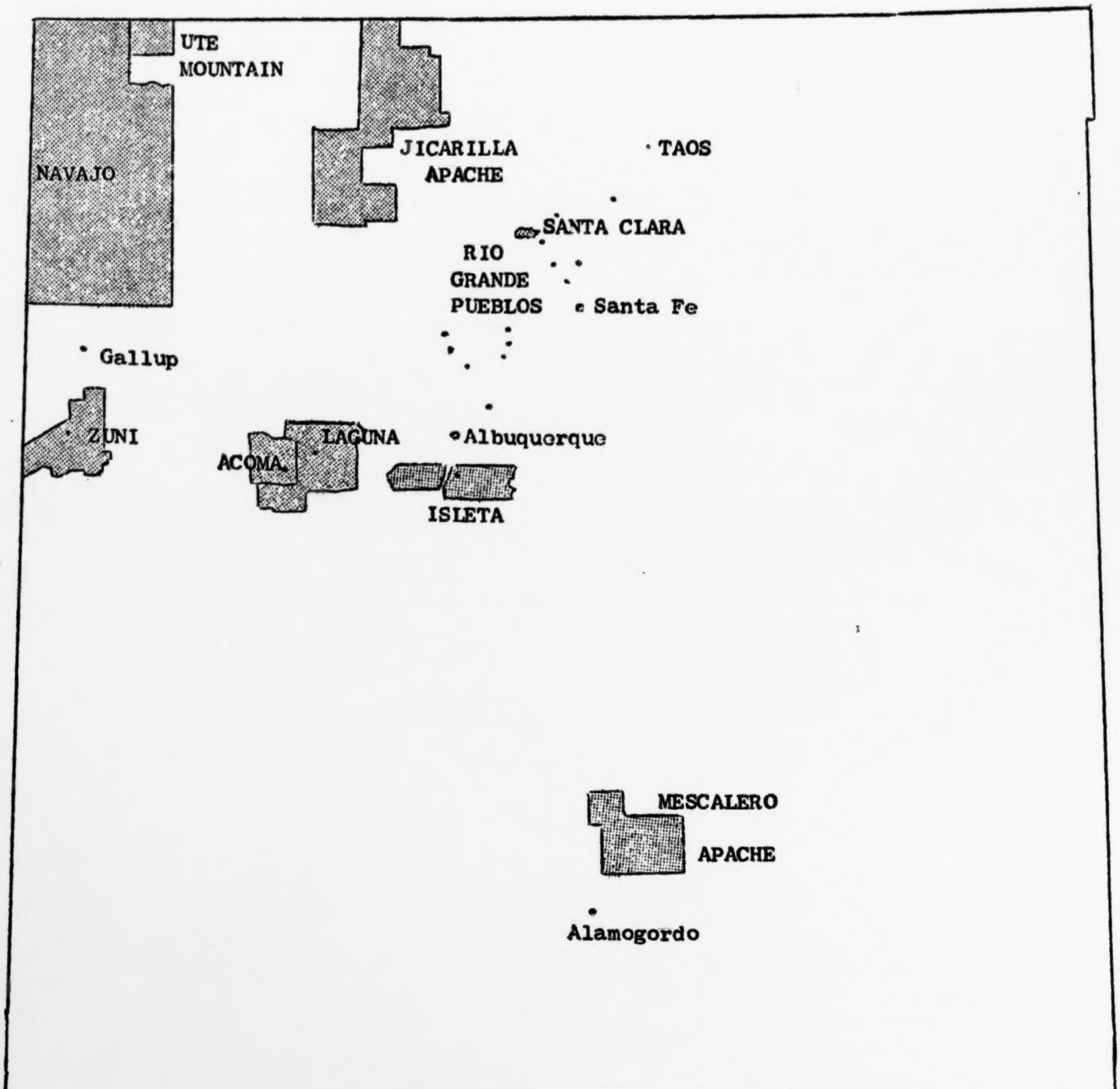
LOCATION OF INDIAN TRIBES IN ARIZONA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ACOMA
Albuquerque
ISLETA
MESCALERO APACHE
Alamogordo

LOCATION OF INDIAN TRIBES IN NEW MEXICO

AMENDED CHARTER OF THE JICARILLA APACHE TRIBE

DULCE, NEW MEXICO

Ratified June 16, 1960

SECTION 1. In order to further the economic well-being and independence of the Jicarilla Apache Tribe and of its members, there is hereby issued by the Secretary of the Interior this amended charter of incorporation to the tribe under the corporate name "The Jicarilla Apache Tribe, Inc.", hereinafter referred to as the "corporation."

SECTION 2. The corporation, as a Federal Corporation, shall have perpetual succession.

SECTION 3. The members of the corporation shall be all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution.

SECTION 4. The Representative Tribal Council of the Jicarilla Apache Tribe established in accordance with the said Constitution, shall as the corporation's board of directors exercise all the corporate powers hereinafter enumerated.

SECTION 5. The corporation, subject to any restrictions contained in the Constitution and laws of the United States, shall have the following powers:

(a) To adopt, use, and alter a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the corporation of any land, or interests in land, within the Jicarilla Reservation.

(2) No leases, permits, or timber sale contracts covering any land or interests in land of the corporation within the Jicarilla Apache Reservation shall be made by the corporation for a longer term than authorized by applicable Federal law, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative.

(3) No action shall be taken by the corporation itself or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Jicarilla Reservation. All leases, permits, and timber sale contracts relating to corporation grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, at the discretion of the Secretary of the Interior.

(c) To borrow money from the Indian Credit Fund in accordance with Section 10 of the Act of June 18, 1934, or from any other government agency, and to use such funds directly for productive corporate enterprises or for loans to individual members or associations of members of the Tribe: PROVIDED, That the amount of indebtedness to which the corporation can subject itself, other that indebtedness to the Indian Credit Fund, shall not exceed ten thousand dollars, except with the express approval of the Secretary of the Interior.

(d) To engage in any business that will further the economic well-being of the members of the corporation or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(e) To make and perform contracts and agreements with any person, association, or corporation, with any municipality or any county, or with the United States or the State of New Mexico; PROVIDED, That any contract involving payment of money by the corporation in excess of ten thousand dollars in any one year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(f) To pledge or assign chattels or future corporate income due or to become due to the corporation subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To deposit corporate funds in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or covered by security approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(h) To sue and to be sued in courts of competent jurisdiction within the United States; but the exercise of this power shall not be deemed a consent by the said corporation or by the United States to the levy of any judgment, lien, or attachment upon the property of the tribe other than income or chattels specially pledged or assigned.

(i) To issue interests in corporation property in exchange for restricted Indian lands.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

SECTION 6. Upon the request of the Representative Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b)(2), 5 (c), 5 (e), 5 (f), and 5 (g), the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the corporate membership. The termination shall be effective and the charter duly amended upon ratification by a majority vote at an election in which at least thirty percent of the adult members of the corporation residing on the reservation shall vote.

SECTION 7. No property rights of the Jicarilla Apache Tribe shall be in any way impaired by anything contained in this charter. The individually owned property of members of the tribe shall not be subject to any corporate debts or liabilities.

SECTION 8. The corporation may distribute annual dividend payments equally among the members of the corporation from the net profits of corporate operations. The amount of such dividend payments shall be based on all income during the preceding fiscal year over and above all sums as may be devoted to establishment of a reserve fund or necessary to meet corporate obligations and all sums required for the activities of the corporation.

SECTION 9. The officers of the corporation shall maintain accurate andcomplete public accounts of the financial affairs of the corporation and shall furnish an annual balance sheet and report of the financial affairs of the corporation to the Commissioner of Indian Affairs.

SECTION 10. This charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Representative Tribal Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult corporation members living on the reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

SECTION 11. This amended charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Jicarilla Apache Tribe living on the Jicarilla Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Jicarilla Indian Agency and the Chairman of the Representative Tribal Council.

***

CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on May 9, 1960, by the Assistant Secretary of the Interior to the Jicarilla Apache Tribe of the Jicarilla Reservation in New Mexico, was duly submitted for ratification to the adult members of the Reservation and was on June 16, 1960, duly adopted by a vote of 172 for and 11 against, in an election in which over thirty percent of those entitled to vote cast their ballots.

ROSE LYNCH
Chairman, Election Board

JOHN B. KELIIAA
Superintendent, Jicarilla Agency.

***

CONSTITUTION OF THE JICARILLA APACHE TRIBE

Approved July 11, 1960

PREAMBLE

We, the members of the Jicarilla Apache Tribe, desiring to assume more responsibility for our own well-being, to protect the land and resources of our Tribe for ourselves and our children, and to work with the Government of the United States in administering the affairs of our Tribe, adopt the following Constitution, as amended.

ARTICLE I — STATEMENT OF FEDERAL RELATIONSHIP

We request the United States Government to continue its established relationship with the Tribe by continuing to furnish such help as health services, education, advisory employees, and a superintendent, and to discharge other responsibilities now exercised by the Federal Government until we become adjusted to assuming more responsibility.

ARTICLE II — TERRITORY

The jurisdiction of the Jicarilla Apache Indian Tribe shall extend to all land within the boundaries of the Jicarilla Apache Indian Reservation, which was established by the Executive Orders of February 11, 1887, and November 11, 1907, amended January 28, 1908, and to such land as has been or may be acquired by the Tribe or by the United States and held in trust for the Tribe and added to the reservation.

ARTICLE III — MEMBERSHIP

SECTION 1. Membership in the Jicarilla Apache Tribe shall extend to the following persons provided they have not renounced or do not hereafter renounce such membership by joining another tribe or otherwise:

(a) All persons of Indian blood whose names appear as enrolled on the 1937 official Jicarilla Agency census roll of the Jicarilla Apache Reservation;

(b) All persons of one-fourth or more Indian blood born to any member of the Jicarilla Apache Tribe since the date of said roll and prior to the effective date of this revised Constitution;

(c) All persons born in legal wedlock from and after the effective date of this revised Constitution whose mother and father are both members of the Jicarilla Apache Tribe;

(d) All persons of one-fourth or more Jicarilla Apache Indian blood born in legal wedlock from and after the effective date of this revised Constitution whose mother or father is a member of the Jicarilla Apache Tribe.

SEC. 2. Membership by adoption into Jicarilla Apache Tribe may be granted by a three-fourths majority vote of the Representative Tribal Council to any person of one-fourth or more Jicarilla Apache Indian blood who is not affiliated with another tribe.

SEC. 3. Procedures for the determination of membership in the Jicarilla Apache Tribe in accordance with this revised Constitution, including provision for timely registration of births with the Tribe in order to receive distributions of tribal assets, may be fixed by ordinance of the Representative Tribal Council, subject to the review of the Secretary of the Interior.

SEC. 4. No decree of an outside court determining membership in the Tribe, or paternity, or degree of Indian blood shall be recognized by the Tribe for membership purposes. All questions relating to the paternity of an applicant for enrollment shall be decided by the tribal court and the decision of the court shall be final. Any person denied enrollment of the Representative Tribal Council shall have the right to appeal from that decision to the Secretary of the Interior, whose determination as to the eligibility of the person for enrollment as a member of the Jicarilla Apache Tribe shall be final.

ARTICLE IV — RIGHTS OF MEMBERS

SECTION 1. All members of the Jicarilla Apache Tribe shall enjoy equal rights to life, liberty, industrial pursuits, and the economic resources and activities of the Tribe.

SEC. 2. No person shall be denied the right to worship as he pleases, to speak and write his opinions, to assemble with others, and to petition for the redress of grievances.

SEC. 3. All members of the Jicarilla Apache Tribe shall have the right of privacy of their persons, houses, papers, and effects; and only reasonable searches and seizures shall be made, based upon warrants properly issued by tribal judicial authority for probable cause supported by oath or affirmation and particularly describing the place to be searched, and the persons or things to be seized.

SEC. 4. No person shall be put in jeopardy twice by the Tribe for the same offense; nor be compelled to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for tribal use, without just compensation.

SEC. 5. In all tribal offense prosecutions, the accused shall enjoy the right to a speedy and public trial in tribal court, and to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have a friend in court to assist in his defense.

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or ununusual punishments inflicted.

SEC. 7. The enumeration of certain rights in this Constitution shall not be construed to deny or disparage others retained by members of the Jicarilla Apache Tribe.

ARTICLE V -- TRIBAL ORGANIZATION

SECTION 1. The Representative Tribal Council. The governing body of the Jicarilla Apache Tribe shall be known as the Representative Tribal Council and shall consist of a Tribal Chairman, Vice-Chairman, and eight members-at-large, each elected by popular vote of the qualified voting members of the Tribe.

SEC. 2. Qualifications for Elective Office. Only members of the Jicarilla Apache Tribe who have resided within the Jicarilla Apache Reservation for six months preceding their candidacy and who have reached the age of twenty-five years or more prior to the date of the election shall be eligible for election to the offices of Tribal Chairman, Vice-Chairman, and council members-at-large.

SEC. 3. Tenure of Office. The tenure of elected tribal officers under this revised Constitution shall be as set forth in Article VII, but no person shall hold the office of Chairman consecutively for more than two terms, and no person shall hold the office of Vice-Chairman consecutively for more than two terms.

SEC. 4. Executive Committee. An Executive Committee composed of five members shall be elected by the Representative Tribal Council from its own members; except that the Tribal Chairman and the Vice-Chairman shall not both be members of the Executive Committee at the same time. The members of the Executive Committee shall serve at the pleasure of the Representative Tribal Council. The Executive Committee may exercise such powers as the Representative Tribal Council may delegate to it and shall be responsible to the Representative Tribal Council.

SEC. 5. Appointed Committees and Officials. The Representative Tribal Council shall appoint such additional committees as it may consider necessary for the proper conduct of tribal affairs; and such committees shall be responsible to the Representative Tribal Council for the exercise of powers delegated to them. A treasurer, a business manager, and such other administrative officials as are necessary for the proper administration of tribal business affairs may be appointed by the Executive Committee, subject to the approval of the Representative Tribal Council. The treasurer and the business manager shall be responsible to the Tribal Chairman. All other appointed administrative officials shall be responsible to the business manager, unless the Representative Tribal Council determines that the appointed official shall be responsible to the Tribal Chairman because of the nature of duties involved.

SEC. 6. Tribal Courts. The Jicarilla Apache tribal courts shall consist of appointed tribal judges and an appeals committee of the Representative Tribal Council.

(a) Tribal Judges. Tribal judges shall be appointed by the Representative Tribal Council for terms of four years. Tribal judges shall be removable only for cause, pursuant to Article VII, Section 4(a). The number, salary, and qualifications of tribal judges shall be fixed by ordinance of the Representative Tribal Council. No tribal judge shall hold another tribal office at the same time.

(b) Appeals Committee. The appeals committee shall consist of three members elected by the Representative Tribal Council from its own members. The appeals committee shall sit as a court to hear and decide on appeals from the decisions of tribal judges and the decisions of the appeals committee shall be final.

(c) Court Powers, Rules, and Procedures. The powers, rules, and procedures of the tribal courts shall be fixed by ordinance of the Representative Tribal Council, subject to the approval of the Secretary of the Interior or his authorized representative.

ARTICLE VI — POWERS OF THE REPRESENTATIVE TRIBAL COUNCIL

SECTION 1. All inherent powers of the Jicarilla Apache Tribe and the powers given to the Tribe in Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended, shall vest in the Representative Tribal Council. The Council shall exercise any such powers subject to the applicable restrictions of this revised Constitution and of the Constitution and statutes of the United States applicable to Indian tribes.

SEC. 2. Management of Tribal Land Resources. (a) The Council shall manage the tribal land, not reserved for Government purposes, in conformity with the regulations of the Secretary of the Interior issued pursuant to Section 6 of the Act of June 18, 1934 (48 Stat. 984), as amended, for the protection of the natural resources of the land.

(b) The Council may use the tribal land for tribal enterprises, or lease it in accordance with applicable Federal law. With the exception of mining or business leases, first preference shall be given to Jicarilla Apache Indian associations and individual members of the Tribe. Tribal lands may be assigned with or without leasehold, to members of the Tribe who need land, for their individual use, in accordance with regulations adopted by the Council and subject to review by the Secretary of the Interior.

(c) Natural resources of all Jicarilla Apache tribal land may be developed for industrial or other purposes, but only in a way consistent with the conservation of such resources and the general welfare of the Tribe as a whole; and the Council may assure the observance of these provisions.

(d) Tribal land on the Jicarilla Apache Reservation shall be inalienable.

SEC. 3. Tribal Funds. (a) The Council shall manage all funds within control of the Tribe and may appropriate, only by resolution, any available funds for public, business, and governmental purposes and activities of the Tribe; such appropriated funds to be expended in accordance with annual budgets subject to the approval of the Secretary of the Interior or his authorized representative.

(b) The Council shall provide for adequate accounting of all tribal financial transactions, including a comprehensive annual audit report, and for adequate bonding of tribal officials and employees directly responsible for the receipt, disbursement, and custody of tribal funds.

(c) The Council may establish a capital reserve fund with tribal revenues from royalties on oil and gas and other minerals of the reservation, along with any surplus tribal funds, and may arrange for investment of the funds, subject to the review of the Secretary of the Interior. No per capita payment in cash shall ever be made from any such capital reserve fund to members of the Tribe except by the consent of 75 percent of the qualified voters of the Tribe and the approval of the Secretary of the Interior.

(d) The Council annually may declare dividend payments for equal distribution to each recognized member of the Tribe from the net profits of tribal operations for the tribal fiscal year preceding; Provided, that these tribal revenues from royalties on oil and gas and other minerals and any other surplus funds diverted to a capital reserve fund established pursuant to the preceding subsection (c) shall not be considered in computing the net profits.

SEC. 4. Peace and Order. The Council may enact ordinances, subject to review by the Secretary of the Interior; to protect the peace, safety, property, morals, and general welfare of the people on the reservation; to provide for the removal or exclusion from the reservation of any non-member whose presence may be found by the tribal court injurious to members of the Tribe; to provide for the enforcement of tribal ordinances on the reservation; and to prescribe the powers, rules, and procedures of the tribal courts for adjudicating cases of criminal offenses, domestic relations, civil actions, and inheritance and probate of real and personal property of members of the Tribe within the reservation.

SEC. 5. Taxes and Fees. The Council may enact ordinances, subject to the review of the Secretary of the Interior, to levy and collect taxes and fees on persons or organizations doing business on the reservation.

SEC. 6. Conduct of Tribal Affairs. The Council may enact such other ordinances or resolutions as it deems necessary for the orderly conduct of tribal affairs, subject to the restrictions of this revised Constitution and the applicable laws and regulations of the United States. The Council may also delegate by resolution such of its powers as it deems necessary to the Tribal Chairman and Vice-Chairman, Executive Committee, and subordinate committees and appointed officials, which powers shall be exercised subject to the review of the Council.

SEC. 7. Review by Secretary. (a) Any resolution or regulation which, by the terms of this Constitution is subject to review by the Secretary of the Interior, shall within one week of its enactment be presented to the Superintendent of the reservation, who shall, within ten days thereafter, approve or disapprove the same.

(b) If the Superintendent shall approve any regulation or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, disapprove the said regulation or resolution for any cause, by notifying the Council of such disapproval.

(c) If the Superintendent shall refuse to approve any resolution or regulation submitted to him, within ten days after its receipt by him, he shall advise the Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the regulation or resolution to the Secretary of the Interior, who may within 90 days from the date of its receipt by him, approve the same in writing, whereupon the said regulation or resolution shall become effective.

(d) Where the approval or review of the Superintendent or the Secretary of the Interior is required before any particular action of the Representative Tribal Council may become effective, the Secretary or his duly authorized representative, where permitted by law, may in writing waive this requirement for such periods as he in his sole discretion deems fit.

ARTICLE VII — ELECTIONS AND VACANCIES

SECTION 1. Elections. (a) The first election for tribal officers under this revised Constitution shall be held on the second Saturday following National Independence Day in 1960. This first election shall be supervised and conducted in accordance with an election ordinance enacted by the Council in office pursuant to Section 3 of this Article. The candidate receiving the highest number of votes for the office of Tribal Chairman shall hold office for four years. The candidate receiving the highest number of votes for the office of Vice-Chairman shall hold office for four years. The four candidates receiving the highest number of votes for the offices of council member-at-large shall hold office for four years. The four candidates receiving the next highest number of votes for the offices of council member-at-large shall hold office for two years. Thereafter the terms of successful candidates shall be as provided hereinafter.

(b) Regular elections for the offices of Tribal Chairman and Vice-Chairman shall be held every four years on the second Saturday following National Independence Day. Candidates for the offices of Tribal Chairman and Vice-Chairman shall file declarations of candidacy designating said offices and supported by nominating petitions in accordance with the election ordinance enacted by the Representative Tribal Council pursuant to Section 3 of this Article. The candidates for each of said offices who receive the highest number of votes in each election shall hold office for four years thereafter.

(c) Regular elections for four of the offices of the Council member-at-large shall be held on the second Saturday following National Independence Day in every even numbered year. Candidates for said offices shall file declarations of candidacy supported by nominating petitions in accordance with the election ordinance enacted pursuant to Section 3 of this Article. The candidates for said offices receiving the highest number of votes in each election shall hold office for four years thereafter.

(d) Referendum, Recall, and Special elections shall be held upon call of the Representative Tribal Council as may be required pursuant to Article VIII and Sections 4 and 5 of this Article.

SEC. 2. Qualifications for Voting. Any member of the Jicarilla Apache Tribe having reached the age of twenty-one years prior to the date of the election shall be entitled to vote in an election of the Jicarilla Apache Tribe held pursuant to this revised Constitution.

SEC. 3. Election Procedures. Rules and procedures governing the elections under this revised Constitution shall be prescribed by ordinance of the Representative Tribal Council, which shall provide, among other particulars, for:

(a) Public notices of the times, places, and means of filing declarations of candidacy and supporting petitions of a reasonable number of qualified voters.

(b) Public notices of the names of the qualified candidates for office, referendum issues, or names of officers petitioned for recall, for a period of time at least twenty days preceding the election.

(c) Voting by secret ballot, absentee balloting for qualified voters residing off the reservation, and approval of the ballot form.

(d) Public notice for at least twenty days preceding the election of the times, places, and means of casting ballots.

(e) Appointment and duties of officials to supervise and conduct the election, and

(f) Determination of the results of election, including means of settling any challenges of right to vote, protests and disputes in connection with the election, the canvassing of votes and the settlement of ties.

SEC. 4. Removal. (a) The Representative Tribal Council may by affirmative vote of seven of its members remove any official, council member-at-large, or judge from office who fails to carry out his official responsibilities, or who is found guilty of a misdemeanor involving moral turpitude or a felony in any court of competent jurisdiction, or for gross neglect of duty or misconduct reflecting on the dignity and integrity of the Council; Provided, that first the official, council member, or judge shall be given a written statement of the charges made against him at least ten days before a special meeting of the Council at which he shall be given an opportunity to answer any and all written charges made against him.

(b) Any elected tribal official or council member may be subject to recall upon petition of at least thirty percent of the eligible voters of the Tribe which shall be filed with the Representative Tribal Council, and such official or council member shall stand for reelection in a special election which shall be called for that purpose by the Council within thirty days thereafter; Provided, that thirty percent or more of the eligible voters of the Tribe shall vote in such election.

(c) Any elected tribal official or council member who fails to attend five (5) consecutive meetings of the Representative Tribal Council, unless he shall have obtained the prior permission of the Tribal Chairman to be absent from such meetings, shall automatically forfeit his office and the vacancy caused thereby shall be filled in accordance with Section 5 of this Article.

SEC. 5. Vacancies. Vacancies in the offices of Tribal Chairman, Vice-Chairman, or council member-at-large may be filled by majority vote of the Representative Tribal Council if a regular election to fill the vacated office is scheduled within nine months from the time of vacancy; otherwise, the Council shall call a special election within three months from the time of vacancy to fill the unexpired term remaining.

ARTICLE VIII — REFERENDUM

Upon a petition of at least thirty percent of the eligible voters of the Tribe, or upon the request of the majority of the members of the Representative Tribal Council, any enacted or proposed ordinance or resolution of the Council shall be submitted to popular referendum and the vote of the majority of the qualified voters in such referendum shall decide whether the ordinance or resolution shall thereafter be in effect; Provided, that thirty percent or more of the eligible voters of the Tribe shall vote in such referendum.

ARTICLE IX — COUNCIL PROCEDURES AND DUTIES OF OFFICERS

SECTION 1. Representative Tribal Council. (a) Regular meetings of the Council shall be held on the first Friday of each month, or on an alternative date to be set by the Council when the first Friday of a month is a holiday, and at the Tribal Council Chamber or such other places as may be designated by the Council.

(b) Special meetings of the Council shall be held as needed upon call of the Tribal Chairman.

(c) The quorum of the Council for the official transaction of business shall consist of seven members.

(d) Procedures governing proceedings of the Council shall be established by Council resolution.

SEC. 2. Executive Committee. (a) Meetings of the Executive Committee shall be held at the tribal offices or such other places as may be designated by the Committee upon call of its presiding officer or the Tribal Chairman.

(b) The presiding officer of the Executive Committee shall be designated by the Representative Tribal Council.

(c) The quorum of the Executive Committee for the official transaction of business shall consist of three members.

SEC. 3. Officers. (a) The Tribal Chairman shall be the presiding officer of the Representative Tribal Council and shall vote in Council proceedings only in the cases of tie votes. He shall function as the chief executive officer of the Tribe, be responsible for the general direction and supervision of the administration of tribal affairs in accordance with the ordinances and resolutions of the Representative Tribal Council, execute official documents on behalf of the Tribe, and exercise such other powers and duties as may be delegated to him by the Representative Tribal Council.

(b) The Vice-Chairman, in the absence of the Chairman, shall be the presiding officer of the Representative Tribal Council and shall have all the powers, privileges, and duties of the Chairman. He shall have the right to vote in all Council proceedings, except when he is presiding officer and then he shall vote only in the cases of tie votes.

(c) The Business Manager shall be responsible for secretarial services to the Representative Tribal Council and carry out such duties as are prescribed for his position by the Council and directed by the Tribal Chairman. It shall be his duty to have minutes of all Council and Executive Committee meetings recorded, as well as all resolutions and ordinances adopted by the Tribe, and to submit copies thereof as required to the Bureau of Indian Affairs.

(d) The Treasurer shall be responsible for receipting, safe-guarding and disbursing all funds coming to the custody of the Tribe. He shall be bonded and carry out duties assigned to him in accordance with requirements prescribed by resolution of the Representative Tribal Council.

(e) Other appointed officials shall have such duties and responsibilities as may be prescribed by resolution of the Representative Tribal Council.

(f) Salaries and other compensation for tribal officials shall be such as may be prescribed by resolution of the Representative Tribal Council pursuant to Section 3 (a) of Article VI.

SEC. 4. Installation of Elected Officials. All duly elected officers and council members of the Tribe shall be installed in office at the first succeeding regular meeting of the Representative Tribal Council upon subscribing to the following oath to be administered by such person as may be designated by resolution of the Council.

> "I, _____________, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will faithfully and impartially carry out the duties of my office to the best of my ability; that I will cooperate in a manner to promote and protect the best interests of my Tribe, in accordance with the Constitution of the Jicarilla Apache Tribe."

ARTICLE X — AMENDMENT OF CONSTITUTION

This Constitution may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose, by the Secretary of the Interior, provided at least thirty percent of those entitled to vote shall vote in such election.

At the request of two-thirds of the Representative Tribal Council or at the request by petition of one-third of the qualified voters, the Secretary of the Interior may call an election to amend this Constitution.

ARTICLE XI — ADOPTION OF CONSTITUTION

This Constitution, as revised, when ratified by a majority vote of the adult members of the Jicarilla Apache Tribe at a special election called for that purpose by the Secretary of the Interior, provided that at least thirty percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and if approved shall be effective from the date of approval.

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CERTIFICATION OF ADOPTION

Pursuant to an order approved May 9, 1960, by the Assistant Secretary of the Interior, the foregoing amended Constitution of the Jicarilla Apache Tribe was submitted for ratification to the Indians of the Jicarilla Apache Indian Reservation, New Mexico, and was on June 16, 1960, duly adopted by a vote of 204 for, and 9 against, in an election in which at least thirty percent of those entitled to vost cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

ROSE LYNCH
Chairman, Election Board

MRS. CORA V. GOMEZ
Secretary, Election Board

JOHN B. KELIIAA
Superintendent, Jicarilla Agency.

***

APPROVAL

I, Roger Ernst, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached amended Constitution of the Jicarilla Apache Tribe of the Jicarilla Reservation, New Mexico, as adopted by the Indians of the Jicarilla Reservation on June 16, 1960.

ROGER ERNST
Asst. Secretary of the Interior
[SEAL]

Washington, D.C.
Date: July 11, 1960.

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AMENDED CHARTER OF THE MESCALERO
APACHE TRIBE OF NEW MEXICO

Ratified August 1, 1936

Amended December 18, 1964

SECTION 1. In order to further the social welfare and development of the Mescalero Apache Tribe and of its members, there is hereby issued by the Secretary of the Interior this Amended Charter of incorporation to the tribe under the corporate name "The Mescalero Apache Tribe, Inc.", hereinafter referred to as the Corporation.

SEC. 2. The Corporation, as a federally-chartered corporation, shall have perpetual existence.

SEC. 3. The members of the Corporation shall be all persons now or hereafter qualified as members of the Mescalero Apache Tribe, as provided by its duly ratified and approved constitution.

SEC. 4. The persons who are the duly constituted President, Vice-President, Secretary, and Treasurer of the Mescalero Apache Tribe shall comprise the Board of Directors of this Corporation and shall exercise all of the corporate powers herein enumerated. The Board of Directors shall operate under by-laws and procedures approved by the Mescalero Apache Tribal Council. The persons who are the duly constituted officers of the constitutional entity known as the Mescalero Apache Tribe shall also be the officers of this corporation (serving in corresponding offices), and shall have full power and authority to exercise all powers granted to them by this charter or delegated to them from time to time by the Board of Directors.

SEC. 5. The Corporation, subject to all applicable federal laws, shall have the following powers:

(a) To adopt, use and alter a Corporate Seal.

(b) To purchase, take by gift, bequest, or otherwise acquire, own, hold, manage, operate, encumber and dispose of, property of every description, both real and personal, subject to the following limitation:

> The Corporation shall have no control over any property, funds, or other tribal assets unless the tribal council, acting pursuant to the authority of the tribal constitution, shall have previously transferred such tribal property, funds or other tribal assets to the control of the Corporation.

(c) To borrow money from any source whatsoever without limit as to amount, and on such terms and conditions and for such consideration and periods of time as the Board of Directors shall determine; to use all funds thus obtained to promote the social welfare and betterment of the tribe and of its members; to finance corporate or tribal enterprises; to pay outstanding indebtedness of the tribe or of any corporate or tribal enterprise; or to lend money thus borrowed.

(d) To engage in any business or activity that will further the social welfare and betterment of the members of the Mescalero Apache Tribe not inconsistent with law or any provision of this charter.

(e) To make and perform contracts and agreements with any person, association or corporation; with any municipality, county, state, or with the United States. Provided, That any contract involving the payment of money by the Corporation in excess of the sum of twenty thousand ($20,000) in any one year shall be subject to the approval of the Secretary of the Interior.

(f) To pledge, mortgage, convey, assign or use corporate assets as security for the repayment of any indebtedness incurred by the Corporation pursuant to this charter.

(g) To deposit to the credit of the Mescalero Apache Tribe, Inc., assets of the Corporation without limitation on the amount in any account in any bank whose deposits are insured by any agency of the Federal Government.

(h) To sue and to be sued in courts of competent jurisdiction within the United States, but the exercise of this power shall not be deemed a consent by this Corporation or by the United States of America to the levy of any judgment, lien or attachment upon the property of the tribe other than income, chattels or other property specifically mortgaged, pledged or assigned.

(i) To issue interests in Corporation property in exchange for restricted Indian lands.

(j) To exercise such further incidental powers not inconsistent with law as may be necessary to the conduct of corporate business.

SEC. 6. Upon the request of the tribal council for termination of any supervisory power reserved to the Secretary of the Interior under Section 5 (e) hereof, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the corporate membership. The termination shall be effective, and the charter duly amended, upon ratification by a majority vote at an election in which at least thirty percent (30%) of the adult members of the Corporation residing on the Reservation shall vote.

SEC. 7. No property rights of the Mescalero Apache Tribe shall in any way be impaired by anything contained in this charter. The property individually owned by members of the tribe shall not be subject to any corporate debts or liabilities.

SEC. 8. During each fiscal year the Board of Directors shall use all income in excess of the amounts needed to establish a reserve fund to meet corporate obligations and finance the activities of the Corporation for the social welfare and betterment of the tribe.

SEC. 9. The officers of the Corporation shall maintain accurate and complete public accounts of the financial affairs of the Corporation, and shall furnish an annual balance sheet and report of the financial affairs of the Corporation to the Commissioner of Indian Affairs.

SEC. 10. This charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolution of the tribal council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult Corporation members living on the Reservation, at a popular referendum in which at least thirty percent (30%) of the eligible voters cast their ballots.

SEC. 11. This Amended Charter shall be effective from, and after, the date of its ratification by a majority vote of the adult members of the Mescalero Apache Tribe living on the Mescalero Reservation, at a popular referendum in which at least thirty percent (30%) of the eligible voters vote. Such ratification shall be formally certified by the Superintendent of the Mescalero Apache Agency and the President of the Mescalero Apache Tribe.

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APPROVAL

The attached Amended Charter of the Mescalero Apache Tribe, Inc., is herewith approved and submitted for ratification by the adult members of the tribe living on the Mescalero Reservation pursuant to the authority vested in the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

JOHN A. CARVER, JR.
Assistant Secretary of the Interior.

[SEAL]

Washington, D.C.
December 11, 1964.

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CERTIFICATION OF RATIFICATION

Pursuant to an election authorized by the Secretary of the Interior on December 11, 1964, the attached Amended Charter of the Apache Tribe of the Mescalero Reservation in New Mexico, was submitted to the adult members of the Reservation and was on December 18, 1964, duly ratified by a vote of 206 for, and 86 against, in an election in which at least 30 percent of the 511 members entitled to vote cast their ballots in accordance with Section 17 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

KENNETH L. PAYTON
Chairman, Election Board

CHRISTIE LA PAZ
Election Board Member

ALTON PESO
Election Board Member

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REVISED CONSTITUTION OF THE MESCALERO APACHE TRIBE

MESCALERO RESERVATION, NEW MEXICO

Approved March 25, 1936

Revised January 12, 1965

PREAMBLE

We, the members of the Apache Tribe of the Mescalero Reservation, in order to promote justice, insure tranquility, encourage the general welfare, foster the social and economic advancement of our people, safeguard our interests, bring our representative tribal government into closer alignment with State and National governments, and secure for ourselves and for our posterity the blessings of freedom and liberty, do hereby establish this revised constitution as the foundation upon which our tribal government shall rest.

ARTICLE I — THE MESCALERO APACHE TRIBE

SECTION 1. The Apache Tribe of the Mescalero Reservation, hereinafter referred to as the Mescalero Apache Tribe, shall include all persons recognized as members thereof, or upon whom membership may be conferred, pursuant to the provisions and restrictions imposed by Article IV of this constitution, irrespective of the Apache Band with which they may be identified.

ARTICLE II — TERRITORY

SECTION 1. The jurisdiction of the Mescalero Apache Tribe, its tribal council and courts shall extend to all the territory within the exterior boundaries of the reservation, and to such other lands as may be added thereto by purchase, gift, Act of Congress, or otherwise.

ARTICLE III — RESERVATION LANDS

SECTION 1. Title to reservation lands shall remain tribal property and shall not, in whole or in part, be granted by allotment or otherwise to tribal members or groups of members as private property. The control of reservation lands, and of assignments or leases thereof, and of other tribal property, shall be in the tribal council, subject to applicable Federal authority, and regulated by ordinances not inconsistent with or contrary to this constitution.

SEC. 2. The tribal council shall have power to assign unused tribal lands, or to reassign any unused assignments, or portions thereof, which have been idle for two (2) or more years. No reassignment of a homestead may be made so long as the original assignee shall reside on the homesite, unless he shall voluntarily release the homesite to the tribe. A member may transfer his homesite to one of his children. The tribal council shall decide by ordinance what shall constitute a unit for purposes of assignment of land for private use, and shall determine the rules governing the use and transfer of such assignments.

SEC. 3. A non-member who is the surviving spouse of a member of the tribe shall have the privilege to use an assignment for the benefit of enrolled minor children, but a non-member shall not acquire any vested interest or rights in any tribal property, except as otherwise provided by ordinance of the tribal council, or by applicable Federal law.

ARTICLE IV -- MEMBERSHIP

SECTION 1. The membership of the Mescalero Apache Tribe shall consist of the following persons:

(a) Any person whose name appeared on the Census Roll of the Mescalero Apache Agency of January 1, 1936.

(b) All persons born to resident members after the census of January 1, 1936, and prior to the effective date of this constitution.

(c) Any child born to a non-resident member, prior to the effective date of this constitution, provided that such child shall have resided on the Mescalero Reservation for not less than one (1) year immediately preceding the date of enrollment.

(d) Any person of one-fourth degree or more Mescalero Apache blood, born after the effective date of this constitution, either one or both of whose parents is (are) enrolled in the membership of the Mescalero Apache Tribe.

SEC. 2. No person, being enrolled or recognized as a member of another tribe, shall be eligible for enrollment in the Mescalero Apache Tribe.

SEC. 3. The tribal council shall have the power to adopt ordinances, consistent with this constitution, governing future membership, loss of membership, and the adoption of members into the Mescalero Apache Tribe, which ordinances shall be subject to review by the Secretary of the Interior.

SEC. 4. The tribal council shall have the power to prescribe rules to govern the compilation and maintenance of a membership roll, and to make corrections in the basic roll, subject to the approval of the Secretary of the Interior.

SEC. 5. The constitution of the Mescalero Apache Tribe, and ordinances enacted pursuant thereto, shall govern tribal membership and enrollment. No decree of any non-tribal court purporting to determine membership in the tribe, determine paternity, or determine the degree of Indian blood, shall be recognized for membership purposes. The tribal council shall have sole authority and original jurisdiction to determine eligibility for enrollment, except where the membership of an individual is dependent upon an issue of paternity, in which case the trial court, or the tribal council sitting as an appellate court, shall have authority and exclusive jurisdiction.

ARTICLE V -- BILL OF RIGHTS

SECTION 1. Subject to the limitations prescribed by this constitution, all members of the Mescalero Apache Tribe shall have equal political rights and equal opportunities to participate in the economic resources and tribal assets, and no member shall be denied freedom of conscience, speech, religion, association or assembly, nor shall he be denied the right to petition the tribal council for the redress of grievances against the tribe.

ARTICLE VI — DISQUALIFICATION OF TRIBAL MEMBERS FOR ELECTIVE OFFICE

SECTION 1. No person who has been convicted of any felony or other serious offense, including adultery, bribery, embezzlement, extortion, fraud, forgery, misbranding, perjury, theft, habitual drunkenness, or felonious assault or felonious battery, shall be eligible for candidacy to any elective office of the Mescalero Apache Tribe unless he shall have been pardoned by the President of the Mescalero Apache Tribe in conformity with applicable ordinances and procedures prescribed by the tribal council.

ARTICLE VII — ORGANIZATION OF THE GOVERNMENT OF THE MESCALERO APACHE TRIBE

SECTION 1. The powers of the government of the Mescalero Apache Tribe are divided into three distinct departments, the Legislative, the Executive and the Judicial, and no person or group of persons charged with the exercise of powers properly belonging to one of these departments, shall exercise any powers properly belonging to either of the others, except as this constitution may otherwise expressly direct or permit.

ARTICLE VIII — PART I — THE LEGISLATIVE DEPARTMENT: COMPOSITION AND QUALIFICATIONS

SECTION 1. The legislative powers of the Mescalero Apache Tribe shall rest in the Mescalero Apache Tribal Council, hereinafter referred to as the tribal council, which shall hold its sessions at the seat of the tribal government.

SEC. 2. The tribal council shall consist of eight (8) members, elected at large from the membership of the Mescalero Apache Tribe.

SEC. 3. The members of the tribal council shall be at least twenty-five (25) years of age at the time of election or appointment (Article X, Section 4); shall have one-quarter or more Mescalero Apache Indian blood; shall have resided on the Mescalero Apache Reservation for a period of at least six (6) months immediately prior to the election, and shall be subject to the restrictions set out in Article VI.

SEC. 4. No person shall serve as a member of the Mescalero Apache Tribal Council while holding any other elective office, or policy making position with the tribe or with any organization doing business on the Mescalero Reservation.

ARTICLE IX — NOMINATIONS AND ELECTIONS

SECTION 1. An election board, appointed by the president of the Mescalero Apache Tribe, shall supervise and administer all elections in accordance with established tribal ordinances, and in conformity with this constitution; Provided, That no member of the election board shall be at the same time a member of the tribal council or a candidate for tribal office, and provided further that persons so appointed by the president shall be confirmed by the tribal council.

SEC. 2. Any member of the Mescalero Apache Tribe shall have the right to vote in any tribal election provided such member:

(a) Is at least twenty-one (21) years of age at the time of such election.

(b) Has resided within a fifty (50) mile radius of the tribal administrative office, which office is located on the reservation, for a period of at least six (6) months immediately prior to the day of election.

SEC. 3. Members of the tribal council, and all other elective officials of the Mescalero Apache Tribe, shall be chosen by secret ballot, the form of which shall be established by ordinance enacted by the tribal council.

SEC. 4. The tribal council, by ordinance, shall make provision for absentee voting, including the use of a secret ballot for this purpose.

SEC. 5. No member of the Mescalero Apache Tribe shall be deprived of his right to vote, if otherwise qualified, because of temporary absence from the reservation. Temporary absence shall be defined, for purposes of this section, as follows:

(a) Absence for the purpose of attending an educational institution for purposes of obtaining formal training, or

(b) Absence for purposes of receiving treatment at a regular hospital, clinic or sanitarium, or

(c) Absence for purposes of service in the Armed Forces of the United States, or

(d) Absence for purposes of obtaining additional educational training in regularly held training sessions, or

(e) Absence for any other reason which does not exceed six (6) months' duration, immediately preceding a tribal election, without return to the physical limits of the reservation.

SEC. 6. Any qualified member of the Mescalero Apache Tribe who desires that his (her) name be placed on the ballot as a candidate for the office of president, vice-president or council member in the primary election shall file with the tribal secretary a statement of intention showing his (her) name and the office for which he(she) desires to become a candidate. Such statement shall be filed not less than fifteen (15) days preceding the primary election.

SEC. 7. A primary election to select candidates for the offices of the president, vice-president and council members shall be held at least thirty (30) days before the general election of the tribe. The two nominees receiving the highest number of votes for president shall be the only candidates for the office of president at the next general election. The two nominees receiving the highest number of votes for vice-president shall be the only candidates for vice-president in the next general election. The eight nominees receiving the highest number of votes, for council members shall be the only candidates for council members in the next general election.

SEC. 8. General elections to vote for tribal council members and all elected officers of the Mescalero Apache Tribe shall be held annually on the third Friday of December. Notice of both the primary and general elections shall be posted at least thirty (30) days before each such election at the voting place and in three (3) or more additional public places. Such notice shall be posted by the secretary of the tribal council. In case the time of the general election should conflict with a holiday, the election shall be held on the following work day.

SEC. 9. No candidate shall be permitted to withdraw except by filing a written notice thereof with the tribal secretary at least twelve (12) days before the primary and the general election. The tribal secretary shall post the names of all candidates at the voting place, and at three or more additional public places at least ten (10) days before the primary and general election.

SEC. 10. The first election of tribal council members and officers under this constitution shall be held on the first general election date following its adoption and ratification. The candidate with the highest number of votes for the office of president shall hold the office for two (2) years. The candidate with the highest number of votes for the office of vice-president shall hold that office for two (2) years. The four candidates receiving the highest number of votes for council member-at-large shall hold office for two (2) years. The four candidates receiving the next highest number of votes for council member-at-large shall hold office for one (1) year. Tie votes shall be decided by lot. The term of office for these newly elected council members shall start on the second Friday of the month of January following the election, at which time the incumbent business committee will be dissolved.

SEC. 11. Succeeding members of the Mescalero Apache Tribal Council shall be elected to serve for a term of two (2) years, with one-half of the members-at-large thereof elected each year. The term of office of newly elected members shall start on the second Friday of the month of January following the election.

SEC. 12. The candidate receiving the highest number of votes at the general election for the office of president shall become the president. The candidate receiving the highest number of votes at the general election for the office of vice-president shall become the vice-president.

SEC. 13. The four candidates for the office of councilman-at-large receiving the highest number of votes cast in each general election, and the winning candidates for the office of president and vice-president, shall be certified to the tribal council by the election board as the duly elected councilmen and officers of the tribe.

SEC. 14. No person shall be a candidate for more than one office in any primary election.

SEC. 15. Any tie vote shall be decided by lot before the tribal council.

ARTICLE X -- VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. Any member of the tribal council or elected officer of the Mescalero Apache Tribe who, during the term for which he is elected, is convicted of any felony, shall automatically forfeit his office. Any member of the tribal council or elected officer found guilty of a misdemeanor involving moral turpitude, gross neglect of duty, malfeasance in office or misconduct reflecting on the dignity and integrity of the tribal government, may be removed from office by majority vote of the tribal council. Before any vote for removal from office is taken, such member or officer shall be given a written statement of the charges against him at least five (5) days before the meeting of the tribal council before which he is to appear, and he shall be given an opportunity to answer any and all charges at the designated council meeting. The decision of the tribal council shall be final.

SEC. 2. Upon receipt of a petition signed by at least twenty-five percent (25%) of the eligible voters demanding recall of any member of the tribal council, or elected officer, filed with the secretary of the tribal council at least four (4) months before the expiration of such council member's, or official's, term of office, it shall be the duty of the tribal council to call a special election upon the question of recall. Such election shall be held not less than twenty-five (25) nor more than forty (40) days from the filing of the petition. No council member or elected officer may be recalled unless a majority of the members voting vote in favor of the recall, and unless at least thirty percent (30%) of the eligible voters vote in the election.

SEC. 3. If a member of the tribal council fails to attend two (2) successive meetings of the tribal council or a committee thereof, of which he is a member, or any combination of tribal council or such committee meetings, he shall automatically cease to be a member of the tribal council. In such event, the tribal council shall declare the position vacant and the president shall, subject to confirmation by the tribal council, appoint a successor to serve the unexpired term, unless such member:

(a) Is excused by the tribal council, or

(b) Is absent by reason of illness, or due to reasons beyond his control, which are satisfactory to the tribal council.

SEC. 4. In the event of a vacancy, for any cause, in the membership of the tribal council, the unexpired term corresponding to the vacancy shall be filled by a qualified person, appointed by the president and confirmed by the tribal council.

ARTICLE XI -- POWERS OF THE TRIBAL COUNCIL

SECTION 1. The Mescalero Apache Tribal Council shall have the following duties and powers subject to all applicable laws of the United States, this constitution, and the regulations of the Secretary of the Interior.

(a) To veto the sale, disposition, lease, or encumbrance of tribal lands, interest in lands, or other tribal assets, that may be authorized by any agency of government without the consent of the tribe; and any encumbrance, sale, grant, or lease of any portion of the reservation, or the grant of any rights to the use of lands or other assets, or the grant of relinquishment of any water or mineral rights or other natural or fiscal assets of the Mescalero Reservation, are hereby reserved to the sanction of the tribal council.

(b) To encumber, lease, permit, sell, assign, manage or provide for the management of tribal lands, interests in such lands or other tribal assets; to purchase or otherwise acquire lands or interests in lands within or without the reservation; and to regulate the use and disposition of tribal property of all kinds.

(c) To protect and preserve the property, wildlife and natural resources of the tribe, and to regulate the conduct of trade and the use and disposition of tribal property upon the reservation, provided that any ordinance directly affecting nonmembers of the tribe shall be subject to review by the Secretary of Interior.

(d) To adopt and approve plans of operation to govern the conduct of any business or industry that will further the economic well-being of the members of the tribe, and to undertake any activity of any nature whatsoever, not inconsistent with Federal law or with this constitution, designed for the social or economic improvement of the Mescalero Apache people, such plans of operation and activities to be subject to review by the Secretary of the Interior.

(e) To use tribal funds as loans or grants, and to transfer tribal property and other assets, to tribal corporations, associations, commissions or boards for such use as the tribal council may determine in conformity with this constitution and consistent with applicable Federal laws and regulations.

(f) To authorize the president to negotiate contracts, leases and agreements of every description not inconsistent with Federal law or with this constitution, subject to review or approval by the Secretary of the Interior where such review or approval is required by statute or regulations; Provided, that all contracts, leases and agreements so negotiated shall be subject to approval by the tribal council.

(g) To acquire, by condemnation, lands of tribal members on the reservation, for public purposes; Provided that such members shall be reimbursed the full value of improvements they have placed on such lands as determined by appraisal. The manner of appraisal and the procedures governing condemnation shall be established by ordinance of the tribal council, subject to review by the Secretary of the Interior.

(h) To regulate its own procedures, including the adoption and amendment of bylaws;to appoint subordinate boards, commissions, committees, tribal officials and employees not otherwise provided for in this constitution and to prescribe their salaries, tenure and duties; to charter tribal corporations, and to charter and regulate other subordinate organizations for economic and other purposes, subject to review by the Secretary of the Interior when required by Federal law or regulation.

(i) To represent the tribe and act in all matters that concern the welfare of the tribe and to make decisions not inconsistent with, or contrary to, this constitution.

(j) To negotiate with the Federal, State, or local Governments, and to advise and consult with representatives of the Interior Department on all activities that may affect the reservation, and in regard to all appropriation estimates and Federal projects for the benefit of the tribe before such estimates or projects are submitted to the Bureau of the Budget and to Congress.

(k) To borrow money from the Federal Government or other lenders for tribal use.

(l) To administer any funds or property within the exclusive control of the tribe, and to make expenditures from available funds for public purposes of the tribe, including salaries and remuneration of elective officials, officers and tribal employees. With the approval of the Secretary of the Interior, tribal funds from any source may be authorized for dividend or per capita payments to the members of the tribe.

(m) To administer charity.

(n) To make loans to tribal members in accordance with regulations of the Secretary of the Interior, this constitution and other applicable laws.

(o) To employ legal counsel for the protection and advancement of the rights of the tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as such approval is required by Federal law.

(p) To enact ordinances, subject to review by the Secretary of the Interior, establishing and governing tribal courts and tribal law enforcement agencies on the reservation; regulating social and domestic relations of members of the tribe; including provision for the issuance of decrees of divorce, provided that all marriages between tribal members shall be in conformity with applicable laws of the State; providing for the appointment of guardians for minors and mental incompetents; regulating the inheritance of personal property of tribal members; and providing for the removal or exclusion from the reservation of any non-members of the Mescalero Apache Tribe whose presence may be injurious to tribal members or to the interests of the tribe, as determined by the tribal council.

(q) To issue to each of its members a non-transferable certificate of membership, evidencing the equal share of each member in the assets of the tribe, said tribe being in the nature of a non-profit corporation, and to use any net income return to the tribe from corporate enterprises for public and social purposes of the tribe.

(r) To administer oaths; to require, upon proper notice being given stating time and place of hearing and the general nature of the subject to be discussed, any member of the tribe to appear and give testimony before the tribal council; and to provide by ordinance, subject to review by the Secretary of the Interior, for punishment of such members upon failure to comply with such requirements, or for giving false testimony.

(s) To enact and provide for the enforcement of ordinances, subject to review by the Secretary of the Interior, for the assessment of taxes, licensing and other fees on persons or organizations doing business on the reservation.

(t) No authority or power contained in this constitution may be delegated by the Mescalero Apache Tribal Council to tribal officials, committees, or associations to carry out any functions or do any thing for which primary responsibility is vested in the tribal council, except by ordinance or resolution duly enacted by the tribal council.

(u) To deposit, to the credit of the Mescalero Apache Tribe, tribal funds, without limitation on the amount in any account, in any National or State bank whose deposits are insured by any agency of the Federal Government; Provided, That advances to the tribe from funds held in trust in the United States Treasury shall be deposited with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior in connection with such advance, require that the advance be so deposited.

(v) To exercise tribal powers independently, under this constitution, whenever limitations on such free exercise of tribal powers, imposed by regulations of the Secretary of the Interior, are removed; to exercise other inherent powers not heretofore exercised or included in this constitution; and to exercise powers which have been excluded from tribal authority by applicable statutes of Congress, in the event such statutes are amended or rescinded; Provided, That except for waiver of Secretarial review or approval authority, the exercise of additional tribal powers, by the tribal council, shall be in conformity with appropriate amendments to this constitution, pursuant to the provisions of Article XV and Article XXVII hereof.

ARTICLE XII -- REVIEW AND APPROVAL OF ENACTMENTS

SECTION 1. Every resolution or ordinance passed by the tribal council shall, before it becomes effective, be presented to the president for approval within five (5) days following the date of its passage. If he approves he shall sign it within ten (10) days following its receipt and deposit it with the Secretary of the Mescalero Apache Tribe for such further action as may be necessary. If he does not sign an enactment of the tribal council, he shall, at the next meeting of the tribal council following its submittal to him for signature, return it to the tribal council with a statement of his objections. It shall thereafter not become effective unless it is again approved by two-thirds of the members present, providing that those present constitute a quorum of the tribal council.

SEC. 2. Every resolution or ordinance which, under this constitution is subject to review by the Secretary of the Interior, shall be, within ten (10) days following its approval by the president or, in the event of presidential veto, by a two-thirds majority of the tribal council as provided in Section 1 of Article XII above, presented to the Superintendent of the Mescalero Reservation. Within ten (10) days after receipt thereof, the Superintendent shall approve or disapprove the same.

SEC. 3. If the Superintendent shall approve any resolution or ordinance subject to review by the Secretary of the Interior, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of such approval by the Superintendent rescind the said resolution or ordinance for any cause, by transmitting notification to the President of the Mescalero Apache Tribe of such rescission.

SEC. 4. If the Superintendent shall refuse or fail to approve any resolution or ordinance submitted to him within ten (10) days after its receipt, he shall advise the tribal council of his reasons therefor, and if the reasons appear to the tribal council to be insufficient it may, by majority vote, refer the resolution or ordinance to the Secretary of the Interior who shall, within ninety (90) days from the date of receipt, approve or disapprove same in writing; Provided, however, that such resolution or ordinance shall become effective ninety (90) days after the date of receipt unless the Secretary of the Interior shall disapprove in writing such resolution or ordinance.

SEC. 5. Any resolution or ordinance that is, by the terms of this constitution, subject to the approval of the Secretary of the Interior, shall be presented to the Superintendent who shall, within 10 days after receipt thereof, transmit the same to the Secretary of the Interior with his recommendation for or against approval.

SEC. 6. The said resolution or ordinance shall become effective when approved by the Secretary of the Interior.

SEC. 7. Upon request by the tribal council, the Secretary of the Interior may waive any requirement contained in this constitution relating to review or approval of resolutions and ordinances, or to the exercise of other powers of the tribal council. Such waiver shall be for such period of time and under such conditions as the Secretary of the Interior may prescribe.

ARTICLE XIII — TRIBAL BUDGET AND BUSINESS ENTERPRISES

SECTION 1. Before the beginning of each fiscal year, the tribal council shall adopt and approve an annual tribal budget providing funds for the support of all approved tribal programs. No expenditures of tribal funds may be made except in conformity with the approved budget. The annual tribal budget shall be subject to such review and approval as may be required by the Secretary of the Interior.

SEC. 2. The Mescalero Apache Tribal Council shall, by ordinance, establish the principles and policies governing the operation and control of all enterprises of the tribe.

ARTICLE XIV — REFERENDUM

SECTION 1. Upon receipt of a petition signed by at least thirty percent (30%) of the qualified voters of the tribe and filed with the secretary of the tribal council demanding a referendum thereon, any proposed or enacted resolution, ordinance or other action of the tribal council shall either be repealed by the tribal council or be submitted by it to the electorate for decision by the tribe in a general election to be held within thirty (30) days after receipt of the petition. The referendum shall be conclusive only if at least thirty percent (30%) of the qualified voters cast their ballots therein.

SEC. 2. When a majority of the members of the tribal council shall request a referendum on any proposed or enacted resolution, ordinance, or other action of the tribal council, the tribal council shall call an election within thirty (30) days thereafter at which the members of the tribe shall approve or disapprove, by majority vote, the ordinance or action in question; Provided, however, that such approval or disapproval shall be effective only in the event thirty percent (30%) or more of the qualified voters cast their ballots in such election.

SEC. 3. No referendum conducted pursuant to the provisions of Section 1 above shall serve to abrogate, modify, or amend any properly approved contract or agreement with third parties who are not members of the Mescalero Apache Tribe.

ARTICLE XV — CONSTITUTIONAL AMENDMENT

SECTION 1. This constitution may be amended at an election called by the Secretary of the Interior upon request by the tribal council:

(a) Whenever, by majority vote of all members of the tribal council, the governing body of the tribe shall authorize the submission of a proposed amendment to the electorate of the tribe, or

(b) Whenever a minimum of thirty percent (30%) of the qualified voters of the tribe, by signed petition, shall request such amendment.

SEC. 2. If, at such election, the amendment is adopted by majority vote of the qualified voters of the tribe voting therein, and if the number of ballots cast represents not less than thirty percent (30%) of the qualified voters, such amendments shall be submitted to the Secretary of the Interior and, if approved by him, it shall thereupon take effect.

ARTICLE XVI — SESSIONS OF THE TRIBAL COUNCIL

SECTION 1. The tribal council shall meet, upon 24 hours written notice to the membership thereof by the president, at the seat of tribal government, as provided in the by-laws; Provided, that not less than four (4) quarterly sessions shall be held in any year.

SEC. 2. Special sessions of the tribal council may be convened by the president or, if the president shall refuse to act, such special sessions may be convened by any three (3) members of the tribal council upon twenty-four (24) hours written notice signed by said three (3) members.

ARTICLE XVII — QUORUM; VOTE

SECTION 1. Six (6) members of the tribal council shall constitute a quorum of the membership thereof, provided that the vice-president of the tribe may vote as a member of the tribal council throughout the whole of that meeting only if a quorum is not otherwise present. No enactment of the tribal council shall have any validity or effect in the absence of a quorum of the membership thereof.

SEC. 2. No resolution or ordinance of the tribal council shall have any validity or effect unless it is passed by the tribal council at a legally called session in which a quorum of the membership was present, and until approved by the president or passed over his veto as provided by Article XII.

ARTICLE XVIII — ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the tribal council, on matters of permanent interest to members of the tribe and necessary to the orderly administration of tribal affairs, shall be embodied in ordinances, the format of which shall be established in the by-laws of the tribal council. Such enactments shall be available for public inspection at all reasonable times by members of the tribe.

SEC. 2. All final decisions of the tribal council on matters of temporary interest, or matters relating to particular individuals, officials or circumstances shall be embodied in resolutions. Such actions of the tribal council shall also be subject to public inspection by members of the tribe.

ARTICLE XIX — PART 2 — THE EXECUTIVE DEPARTMENT: COMPOSITION AND MANNER OF SELECTION

SECTION 1. The Executive Department of the Mescalero Apache Tribal Government shall consist of a president, a vice-president, a secretary and a treasurer.

SEC. 2. The President and Vice-President of the Mescalero Apache Tribe shall be elected. The remaining officers shall be appointed by the president with the concurrence of the tribal council, and persons appointed to fill such offices shall serve during the pleasure of the president, provided that the tribal council must concur in the removal from office of any such appointive officer of the tribe.

ARTICLE XX — PRESIDENT AND VICE-PRESIDENT: TERM OF OFFICE AND QUALIFICATIONS

SECTION 1. The President and Vice-President of the Mescalero Apache Tribe shall be elected for a term of two (2) years. Candidates for the office of president and vice-president must possess the same qualifications required of candidates for council membership as set forth in Article VIII, Section 3 of this constitution. The term of office of the president and vice-president shall begin at the same time as the terms of members of the tribal council elected at the same election.

ARTICLE XXI — PRESIDENT AND VICE-PRESIDENT: VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. In the event of a vacancy, for any cause, in the office of the president, the vice-president shall assume the duties of the president until a successor has been duly elected and qualified. In the event of a vacancy, for any cause, in the office of vice-president, such vacancy shall be filled by a tribal member appoint ed by the tribal council, such person to serve until a successor has been duly elected and qualified. In the event of a vacancy, for any cause, in both executive offices, such vacancies shall be filled at a special election, called by the tribal council and conducted in conformity with applicable sections of Article IX of this constitution; except that the membership of the election board shall be appointed by the tribal council.

ARTICLE XXII — DUTIES OF OFFICERS

SECTION 1. The President of the Mescalero Apache Tribe shall exercise the following powers as the chief executive officer of the tribe:

(a) The president shall serve as the Chairman of the Mescalero Apache Tribal Council, but he shall not have the right to vote on any issue except to break a tie vote of the council in the absence of the vice-president.

(b) The president shall appoint all non-elected officials and employees of the executive department of the tribal government and shall direct them in their work, subject only to applicable restrictions embodied in this constitution or in enactments of the tribal council establishing personnel policies or governing personnel management.

(c) The president, subject to the approval of the tribal council, may establish such boards, committees or sub-committees as the business of the council may require, and shall serve as an ex-officio member of all such committees and boards.

(d) The president shall serve as contracting officer for the Mescalero Apache Tribe, following approval of all contracts by the tribal council.

(e) The president shall have veto power over enactments of the tribal council, as provided in Article XII, Section 1.

(f) Subject to such regulations and procedures as may be prescribed by ordinance of the tribal council, the president shall have power to grant pardons, after conviction for all offenses, to restore tribal members to eligibility for elective office in the tribal government, subject to the restrictions contained in Article X, Section 1.

(g) The president shall direct the tribal police, to assure the enforcement of ordinances of the tribal council.

(h) The president shall hold no other tribal office or engage in private remunerative employment without the consent of the tribal council, during his term as president.

SEC. 2. In the absence of the president, the vice-president shall preside and shall have all powers, privileges and duties of the president.

SEC. 3. The vice-president may function as chairman of the tribal council or of any committee thereof in the absence of, or at the direction of, the president. When presiding as chairman of the tribal council he shall have the right to vote only in the event the council or any committee thereof is equally divided on an issue. In his capacity as vice-president, he may be counted for purposes of constituting a quorum at any such meeting and when so counted may vote on any business then before the council.

SEC. 4. The vice-president may attend any session of the tribal council or of any council committee and he may participate therein, but he shall not have the right to vote unless required to make a quorum or to break a tie.

SEC. 5. The vice-president shall perform such other duties as the president, with the consent of the tribal council, may direct.

ARTICLE XXIII — THE SECRETARY OF THE MESCALERO APACHE TRIBE

SECTION 1. The Secretary of the Mescalero Apache Tribe shall be appointed from within the membership of the tribal council.

SEC. 2. The secretary shall call the roll, handle all official correspondence of the council, keep the minutes of all regular and special meetings of the tribal council, and it shall be his duty to submit promptly to the Superintendent of the agency copies of minutes of all regular and special meetings of the tribal council. Following each general election, the secretary shall certify to the Superintendent of the reservation the duly elected president, vice-president, and councilmen. In the absence of the president and vice-president, the secretary shall carry on the duties of the president, subject to all restrictionsthereon embodied in this constitution.

ARTICLE XXIV — TREASURER OF THE MESCALERO APACHE TRIBE

SECTION 1. The treasurer shall be appointed from within the membership of the tribal council.

SEC. 2. (a) The treasurer shall accept, receipt for, keep and safeguard all funds under the exclusive control of the tribe by depositing them in a bank insured by an agency of the Federal Government, or in an Individual Indian Money Account as directed by the Mescalero Apache Tribal Council, and shall keep an accurate record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his custody to the council at regular meetings and at such other times as requested by the council. He shall not pay or otherwise disburse any funds in custody of the council except when properly authorized to do so by the council.

(b) The books and records of the treasurer shall be audited at least once a year by a competent auditor employed by the council, and at such other times as the council may direct.

(c) The treasurer shall be required to give a surety bond satisfactory to the council and the Commissioner of Indian Affairs.

(d) The treasurer shall be present at all meetings of the council unless prevented by circumstances beyond his control.

(e) All checks shall be signed and all vouchers shall be approved for payment by two officers of the tribe as follows: the president or the vice-president, together with the treasurer or, in his absence, the secretary.

(f) In the absence of the president, vice-president, and secretary, the treasurer shall carry on the duties of the president.

SEC. 3. The tribal council may require all responsible tribal officials and employees to be bonded. The premium for the bond shall be paid by the tribe.

ARTICLE XXV — PART III — THE JUDICIARY JUDICIAL POWERS

SECTION 1. The judicial powers of the Mescalero Apache Tribe shall be vested in the tribal court, including a trial and appellate court, which courts shall exercise jurisdiction in all criminal matters, except those matters within the exclusive jurisdiction of the Federal and State Courts, wherein the defendants are members of the Mescalero Apache Tribe or members of other Indian tribes residing within the Mescalero Reservation; and may exercise jurisdiction in all civil matters wherein only members of the Mescalero Apache Tribe are involved.

SEC. 2. The criminal offenses over which the Courts of the Mescalero Apache Tribe have jurisdiction may be embodied in a Code of Laws, adopted by ordinance of the tribal council, and subject to review by the Secretary of the Interior.

SEC. 3. The duties and procedures of the courts shall be determined by ordinance of the tribal council.

ARTICLE XXVI — COMPOSITION OF THE TRIBAL COURTS

SECTION 1. The trial court shall consist of a chief judge and two associate judges, appointed by the President of the Mescalero Apache Tribe, with the concurrence of not less than a three-fourths majority vote of the whole membership of the tribal council.

SEC. 2. The tribal council shall sit as a court of appeals whenever necessary and may hear appeals at any regular or special meeting.

SEC. 3. The tenure and salary of tribal judges shall be established by ordinance of the tribal council.

SEC. 4. No person shall be appointed to the office of tribal judge unless he is an enrolled member of the Mescalero Apache Tribe, not less than 35 years nor more than 70 years of age; nor shall any person be appointed as a tribal judge who has ever been convicted of a felony or, within one year, the last past, of a misdemeanor.

ARTICLE XXVII — INHERENT POWERS OF THE MESCALERO APACHE TRIBE

SECTION 1. No provision of this constitution shall be construed as a limitation on the inherent residual sovereign powers of the Mescalero Apache Tribe. Any such powers, not delegated to the representative tribal government by this constitution, are retained for direct exercise by the people through referendum, as provided for herein, or for exercise by the tribal government following amendment of the constitution.

ARTICLE XXVIII — SAVING CLAUSE AND REPEAL OF PREVIOUS CONSTITUTION

SECTION 1. The Constitution and By-laws of the Apache Tribe of the Mescalero Reservation, approved on March 25, 1936, under the provisions of Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat.378), is hereby repealed and superseded by this constitution.

SEC. 2. All ordinances and resolutions heretofore enacted by the Mescalero Tribal

Business Committee shall remain in full force and effect to the extent that they are not inconsistent with this constitution.

SEC. 3. The incumbent tribal business committee and incumbent tribal officers shall remain in office and shall be entitled to exercise all powers granted by this constitution to the tribal council and tribal officers until such time as the first election of the tribal council and tribal officers is held under this constitution.

ARTICLE XXIX — OATH OF OFFICE

SECTION 1. No elective official of the Mescalero Apache Tribe shall be officially installed in the office to which such official is elected unless and until the following oath has been duly administered by a Judge of the Mescalero Apache Tribal Court:

> "I, ________________________, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will faithfully and impartially carry out the duties of my office, uphold the Constitution of the Mescalero Apache Tribe, and represent the interests of the Mescalero Apache people. These things I will do to the best of my ability, so help me God."

ARTICLE XXX — RATIFICATION OF REVISED CONSTITUTION

SECTION 1. This constitution, when adopted by a majority vote of the qualified voters of the Mescalero Apache Tribe, voting at an election called for that purpose by the Secretary of the Interior, in which at least thirty percent (30%) of those entitled to vote shall cast their ballots, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of approval.

***

CERTIFICATION OF ADOPTION

Pursuant to an election authorized by the Secretary of the Interior on December 11, 1964, the attached Revised Constitution of the Apache Tribe of the Mescalero Reservation was submitted to the qualified voters of the tribe and was on December 18, 1964, duly adopted by a vote of 190 for and 103 against, in an election in which at least 30 percent of the 635 members entitled to vote cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

KENNETH L. PAYTON
Chairman, Election Board

CHRISTIE LA PAZ
Election Board Member

ALTON PESO
Election Board Member

***

APPROVAL

I, John A. Carver, Jr., Under Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Revised Constitution of the Apache Tribe of the Mescalero Reservation.

Approval recommended:

JAMES E. OFFICER
Associate Commissioner
Bureau of Indian Affairs

JOHN A. CARVER, JR.
Under Secretary of the Interior

[SEAL]

Washington, D.C., January 12, 1965.

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AMENDED CORPORATE CHARTER OF THE SAN CARLOS APACHE TRIBE, ARIZONA

Ratified March 7, 1955

Whereas, the Council of the San Carlos Apache Tribe as expressed in its Resolution No. 51-54 which was adopted on December 8, 1954, deems it desirable to propose certain amendments to the Corporate Charter of the San Carlos Apache Tribe which was issued to the Tribe by Acting Assistant Secretary W. C. Mendenhall on September 27, 1940, by virtue of the authority conferred upon him by the Act of June 18, 1934 (48 Stat. 984), and which was subsequently ratified by the adult members of the Tribe on October 16, 1940, by a vote of 588 for, and 399 against, in an election in which over thirty percent of the tribal members entitled to vote cast their ballots.

Now, therefore, I, Orme Lewis, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934, supra, and in accordance with Section 9 of the San Carlos Corporate Charter which was ratified by the San Carlos Apache Tribe on October 16, 1940, do hereby present the following revised Corporate Charter which I have approved for ratification by a majority vote of the adult members living on the San Carlos reservation at an election in which at least thirty percent of the eligible voters vote. This revised Corporate Charter shall be effective from and after such time as it may be ratified by the Tribe as herein provided.

1. Corporate Existence and Purpose. In order to further the economic well-being and independence of the San Carlos Apache Tribe and its members by giving to the tribe certain corporate rights, powers, privileges and exemptions the aforesaid tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name, "San Carlos Apache Tribe."

2. Duration. The San Carlos Apache Tribe shall as a Federal corporation have indefinite duration.

3. Membership. The San Carlos Apache Tribe shall be a membership corporation consisting of all members now or hereafter recognized as members of the tribe, as provided for in Article III of the Constitution. No person, except as provided in Article III of the Constitution, shall become a member of the Corporation.

4. Management. The Tribal Council of the San Carlos Apache Tribe, established in accordance with the said constitution and by-laws of the tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The tribe, subject to any restrictions contained in the Constitution and the laws of the United States or in the constitution and by-laws of the said tribe, shall have the following corporate powers in addition to all the powers already conferred or guaranteed by the tribal constitution and by-laws.

(a) To adopt, use and alter a corporate seal.

(b) To purchase, take by gift, bequest or otherwise, own, hold, manage, operate and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land, interest in land, including water power sites, water rights, oil, gas, and other mineral rights now or hereafter held by the Tribe.

(2) No leases, permits (which terms shall not include land assignments to members of the tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the tribe, within the boundaries of the San Carlos Apache Reservation, shall be made by the tribe for a longer term than is permitted by law.

(3) No action shall be taken by or in behalf of the tribe which in any way operates to destroy or injure the tribal grazing lands, timber or natural resources of the San Carlos Apache Reservation. All leases, permits and timber sale contracts relating to the use of tribal grazing and timber lands shall require the person using such tribal lands to conform to regulations of the Secretary of the Interior, authorized by Section 6 of the Act of June 18, 1934 (48 Stat. 984), with respect to range carrying capacity, sustained yield forestry management and other matters therein specified.

(c) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other sources, and to use such funds directly for productive tribal enterprises or to loan money thus borrowed to individual members or associations of members of the tribe, provided that the amount of indebtedness to which the tribe may subject itself shall not exceed $50,000, except with the express approval of the Secretary of the Interior, or his authorized representative.

(d) To engage in any business that will further the economic well-being of the members of the tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(e) To make and perform contracts and agreements of every description, not inconsistent with law or the provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Arizona, including agreements with the State of Arizona for rendition of public services, provided that any contract involving payment of money or delivery of property by the corporation of a value in excess of $50,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his authorized representative.

(f) To pledge or assign chattels or future tribal income due or to become due to the tribe, provided that such agreements of pledge or assignment or extensions thereof other than an agreement with the United States, shall not extend more than 10 years from the date of execution and shall not cover more than one-half of the total net tribal income in any one year.

(g) To deposit corporate funds, without limitation on the amount in any account, in any national or state bank whose deposits are insured by any agency of the Federal Government; Provided, that funds advanced from the Indian Credit Fund or from funds of the Tribe held in trust in the United States Treasury shall be deposited with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior or his authorized representative in connection with such advance require that the advance be so deposited.

(h) To sue and be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and be sued shall not be deemed a consent by the said tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the tribe other than income or chattels especially pledged or assigned.

(i) To exercise such further incidental powers not inconsistent with law as may be necessary to the conduct of corporate business.

6. Corporate Property. No property rights of the San Carlos Tribe, as heretofore constituted, shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without the owner's consent.

7. Corporate Income. The tribe may issue to each of its members a non-transferable certificate of membership, evidencing the equal share of each member in the assets of the tribe, and may use all profits of corporate enterprises or income, over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, for public purposes of the tribe, including the construction of public works, the cost of public enterprises, the expense of tribal government, the needs of charity and the making of loans to members of the tribe, but no general distribution per capita of such profits or income shall be made other than money that may be recovered on tribal claims against the government.

8. Corporate Accounts. The tribe shall maintain accurate and complete accounts of the financial affairs of the tribe and shall furnish an annual balance sheet and report of the financial affairs of the tribe through the tribal council at a general meeting of the tribe.

9. Amendments. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolution of the Tribal Council, which, if approved by the Secretary of the Interior, to be effective, shall be ratified by a majority vote of the adult members living on the reservation at an election in which at least thirty percent of the eligible voters vote.

10. Ratification. This amended charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the San Carlos Apache Tribe, provided at least thirty percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the San Carlos Apache Agency and the Chairman of the San Carlos Apache Tribe.

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APPROVAL

The amended Corporate Charter of the San Carlos Apache Tribe is herewith approved and submitted for ratification by the adult members of the Tribe living on the San Carlos Reservation, in accordance with Section 9 of the Charter and pursuant to the authority vested in the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984).

Approval recommended:

W. BARTON GREENWOOD
Acting Commissioner of Indian Affairs

ORME LEWIS
Assistant Secretary of the Interior

[SEAL]

Washington, D.C., January 26, 1955.

***

CERTIFICATE OF RATIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), the foregoing amended Corporate Charter issued on January 26, 1955, by the Assistant Secretary of the Interior to the San Carlos Apache Tribe of the State of Arizona, was duly submitted for ratification to the adult members of the Tribe and was on March 7, 1955, ratified by a vote of 522 for and 158 against, in an election in which at least 30 percent of those entitled to vote cast their ballots.

JESS J. STEVENS
Chairman, San Carlos Tribal Council

PRISCILLA SMITH
Secretary, San Carlos Tribal Council

THOMAS H. DODGE
Superintendent, San Carlos Agency

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AMENDED CONSTITUTION AND BY-LAWS OF THE SAN CARLOS APACHE TRIBE OF ARIZONA

Approved April 19, 1954

The Constitution and By-laws of the San Carlos Apache Tribe of the San Carlos Reservation, Arizona, is amended as follows:

PREAMBLE

We, the people of the San Carlos Apache Tribe of the San Carlos Reservation, Arizona, in order to exercise the duties and responsibilities of a representative tribal government, do ordain this Constitution and By-laws.

ARTICLE I — STATEMENT OF PURPOSE

SECTION 1. In our relation to the United States Government, a relation similar to that which a town or a county has to State and Federal governments, our own internal affairs shall be managed, insofar as such management does not conflict with the laws of the United States, by a governing body which shall be known as the San Carlos Council.

ARTICLE II — TERRITORY

SECTION 1. The authority of the San Carlos Apache Tribe shall extend to all of the territory within the boundaries of the San Carlos Reservation and to all lands which may be acquired for the Tribe or which the Tribe may acquire for itself.

ARTICLE III — MEMBERSHIP

SECTION 1. The membership of the San Carlos Apache Tribe shall consist of:

(a) All persons who are members of the Tribe on the date when this revised constitution is finally approved.

(b) All children of one-fourth or more San Carlos Apache Indian blood who are born to resident members, and all children of one-fourth or more San Carlos Apache blood born to non-resident members if such non-resident members declare their intention of maintaining membership in the Tribe. The method of declaring intention of membership shall be determined by ordinance of the Council.

(c) The Council shall have the power to pass ordinances, subject to review by the Secretary of the Interior or his authorized representative, governing future membership, loss of membership, and the adoption of members by the San Carlos Apache Tribe.

ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of the San Carlos Apache Tribe shall be known as the San Carlos Council and shall consist of a chairman, vice-chairman and nine members to be chosen as follows:

Chairman, by popular vote of the Tribe;
Vice-Chairman, by popular vote of the Tribe;
Three members, by popular vote of the Bylas District;
Two members, by popular vote of the Gilson District;
Two members, by popular vote of the Peridot District;
Two members, by popular vote of the Seven Mile District.

SEC. 2. Districts Defined. For purposes of voting and representation on the Council, the districts shall be defined as follows:

BYLAS DISTRICT shall include all members living in the entire Bylas Community;

GILSON DISTRICT shall include all members living on Gilson Wash west and south of Quarry Wash and north of the Farm Station;

PERIDOT DISTRICT shall include all members living in the community south of the Farm Station and on both sides of the San Carlos River;

SEVEN MILE DISTRICT shall include all members living within the area east of the Quarry Wash and north of the point where the Quarry Wash runs into the San Carlos River.

SEC. 3. Organization of Council. The Council shall choose, either from within its own membership or from the outside, a secretary, a treasurer, and such other officers as it may consider necessary.

SEC. 4. The Council, from time to time, may by ordinance change the foregoing number and distribution according to the growth of population.

SEC. 5. First Election. The first election of councilmen under this amended constitution and by-laws shall be held on the next regular election date following the adoption and ratification of the amended constitution and by-laws. In the first election the candidate in each district receiving the highest number of votes shall hold office for four years. The other candidates elected shall hold office for two years. In each regular election thereafter one candidate shall be elected from each district and shall hold office for a term of four years, except in the Bylas District which shall elect two candidates at every other election, such candidates to hold office for years.

SEC. 6. Term of Council Members. Members of the Council shall take office on the first Tuesday of the first month after their election.

SEC. 7. Council Chairman and Vice-Chairman. The Chairman and Vice-Chairman of the Tribal Council shall be elected for a term of four years by popular vote of the Tribe. Candidates for such office shall possess the qualifications required of candidates for Council membership, as set forth in Article II of the By-laws, except as to residence. The candidates for Chairman and Vice-Chairman need only be residents of the San Carlos Reservation. Such elections shall be held under the same rules as the election for council members and the Chairman and Vice-Chairman of the Tribal Council shall take office on the same day that the council members take office.

ARTICLE V — POWERS OF THE COUNCIL

SECTION 1. The San Carlos Council shall have the following powers:

(a) To represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this Constitution and By-laws or the Constitution and Statutes of the United States;

(b) To negotiate and make contracts with the Federal, State and local governments;

(c) To advise the Secretary of the Interior or his representative on all activities that may affect the San Carlos Reservation, and on all appropriation estimates and Federal projects for the benefit of the Tribe before such estimates and projects are submitted to the Bureau of the Budget and to Congress;

(d) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as such approval is required by Federal law;

(e) To veto the sale, disposition, lease or encumbrance of tribal lands, interest in lands, tribal funds or other tribal assets that may be authorized by any agency or employee of the government;

(f) To protect and preserve the wildlife and natural resources of the Tribe; to regulate hunting and fishing on the reservation;

(g) To cultivate Indian arts, crafts and cultures;

(h) To administer charity;

(i) To regulate the uses and disposition of tribal property and funds, provided, that any grant or lease of any portion of the Reservation for grazing purposes or relinquishment of any water rights on the Reservation must be authorized by a two-thirds majority of tribal votes cast in an election called by the tribal council for that purpose and, provided further, that the total vote cast shall be not less than three-fifths of the total eligible voters;

(j) To manage all tribal economic affairs and enterprises in accordance with the terms of the Corporate Charter of the Tribe;

(k) To levy and collect taxes;

(l) To appropriate tribal funds for public purposes;

(m) To enact ordinances, subject to review by the Secretary of the Interior, establishing and governing tribal courts and law enforcement on the Reservation; regulating domestic relations of members of the Tribe, but all marriages shall be in accordance with State laws; providing for appointment of guardians for minors and mental incompetents; regulating the inheritance of real and personal property of members of the Tribe within the Reservation; and providing for the removal or exclusion from the Reservation of any non-member of the Tribe whose presence may be injurious to the people of the Reservation;

(n) To enact ordinances governing the activities of voluntary associations consisting of members of the Tribe organized for purposes of cooperation or other purposes;

(o) To regulate its own procedures; to appoint subordinate committees, commissions, boards, tribal officials and employees not otherwise provided for in this Constitution and By-laws, and to prescribe their salaries, tenure and duties; to charter and to regulate subordinate organizations for economic and other purposes;

(p) The Council may exercise such further powers as may be delegated to the San Carlos Apache Tribe by the Secretary of the Interior or by any other qualified official or agency of the Government;

(q) The foregoing enumeration of powers shall not be construed to limit the powers of the San Carlos Apache Tribe, and such powers may be exercised through the adoption of by-laws or constitutional amendments.

ARTICLE VI — REVIEW BY THE SECRETARY

SECTION 1. Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation within six days after the passage by the Council. The Superintendent shall, within six days after its receipt, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement and the date his signature was affixed thereto, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the council of such rescission. If the Secretary shall fail to act within the 90-day period, the ordinance or resolution shall remain in effect as of the date of the Superintendent's approval.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within six days after its receipt, he shall advise the Council of his reasons therefor. If these reasons appear to the tribal council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the reenactment date approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VII — RIGHTS OF MEMBERS

SECTION 1. All members of the San Carlos Apache Reservation shall be accorded equal political rights and equal opportunities to participate in the economic resources and activities of the tribe, and no person shall be denied freedom of conscience, speech, association or assembly or the right to petition for the redress of grievances.

ARTICLE VIII — ELECTIONS

SECTION 1. Regular Elections. Regular elections to vote for councilmen shall be held every two years on the first Tuesday in April. Regular elections to vote for Chairman and Vice-Chairman shall be held every four years on the first Tuesday in April.

SEC. 2. Special Elections. Special elections shall be held upon call by the Tribal Council as provided in Article IX, and notice of them shall be given as in the case of general or regular elections.

SEC. 3. Notice. All elections shall be announced by special notice posted at least thirty days before the election at the voting places and other convenient public places.

SEC. 4. The voting places shall be: one at San Carlos Agency and another at Bylas and others as may be established by the Council.

SEC. 5. Candidates. Names of candidates nominated by the districts for their councilmen shall be posted for a period of at least twenty days prior to election.

SEC. 6. Nomination of Chairman and Vice-Chairman. At least twenty days before nominations of candidates for council membership are made at district meetings, not more than four candidates nor less than two for each office of Chairman and Vice-Chairman shall be nominated at a general mass meeting called for that purpose.

SEC. 7. Nomination of Council Members. Nominations shall be made at mass meetings of the respective districts for the office of councilman. Each district shall nominate at least four candidates for each position of councilman.

SEC. 8. Manner of Voting. All elections shall be by written ballot. The council shall have power to prescribe ordinances governing the casting and canvassing of ballots, the manner of conducting district meetings for nomination, and other necessary details of election procedures covering elections of councilmen and officers and referendum elections.

ARTICLE IX -- REMOVAL FROM OFFICE

SECTION 1. Forfeiture of Office. If a Chairman or Vice-Chairman or member of the Council fails or refuses to attend two regular meetings in succession unless excused due to illness or other causes for which he cannot be held responsible, or shall be convicted of a felony or of a misdemeanor involving moral integrity, his office shall be forfeited, and a special election called by the Council shall be held to replace him.

SEC. 2. Removal from Office. If a Chairman or Vice-Chairman or member of the Council shall fail in the performance of the duties assigned to him, he may be subject to recall. The Council may by a two-thirds vote, after affording the accused member a fair opportunity to be heard in his own defense, require such member to stand for reelection of the district which he represents.

SEC. 3. Resignation and Replacement. Any councilman resigning or by death taken out of his office shall be replaced only by a special election in the respective district.

ARTICLE X — RESERVATION LAND

SECTION 1. The reservation land shall as a whole remain tribal property and shall not be divided by allotment of any parts to individuals or groups of individuals as private property that could be sold at will; but assignments of land for private use may be made by the Council in conformity with ordinances which may be adopted on this subject, provided, that the rights of all members of the tribe be not violated.

ARTICLE XI — REFERENDUM

SECTION 1. Upon a petition of at least fifty percent of the eligible voters of the Tribe, or upon the request of the majority of the members of the Tribal Council, any enacted or proposed ordinance or resolution of the Tribal Council shall be submitted by the Council to a popular referendum and the vote of the majority of the qualified voters in such referendum shall decide whether the ordinance or resolution shall thereafter be in effect and subject to Secretarial review where such review is required; Provided, that one-half or more of the eligible voters shall vote in such referendum.

ARTICLE XII — AMENDMENTS

SECTION 1. This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior; Provided, that at least thirty percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the Council, or upon receipt of a petition signed by one-third of the qualified voters of the Tribe.

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BY-LAWS OF THE SAN CARLOS APACHE TRIBE OF ARIZONA

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman of the Council. The Chairman of the Council shall preside over all meetings of the Council, shall perform all duties of a Chairman and exercise any authority given him specifically by the Council or by a general meeting of the Tribe. The Chairman shall have power to vote.

SEC. 2. Vice-Chairman. In the absence of the regular Chairman the Vice-Chairman shall preside and shall have all powers, privileges and duties of the Chairman. He shall have power to vote at any meeting.

SEC. 3. Secretary. The secretary shall conduct all tribal correspondence and it shall be his duty to submit promptly to the Superintendent of the jurisdiction and other appropriate offices of the Bureau of Indian Affairs, copies of all minutes of regular and special meetings of the Council.

SEC. 4. Treasurer. (a) The Treasurer shall accept, receipt for, keep and safeguard all funds in the custody of the Council. He shall deposit all such funds as directed by the San Carlos Council and shall keep an accurate record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his custody to the Council at regular meetings and at such other times as requested by the Council. He shall not pay or otherwise disburse any funds in custody of the Council except when properly authorized to do so by the Council.

(b) The books and records of the treasurer shall be audited at least once a year by a competent auditor employed by the Council, and at such other times as the Council may direct.

(c) The treasurer shall be required to give a surety bond satisfactory to the Council and the Commissioner of Indian Affairs or his authorized representative.

(d) The treasurer shall be present at all meetings of the Council unless prevented by circumstances beyond his control.

(e) All checks shall be signed by the treasurer and shall be countersigned by the Chairman of the Council, or in his absence by some other officer designated by the Council.

ARTICLE II — QUALIFICATIONS OF COUNCILMEN

SECTION 1. Any member of the Tribe who is not employed by the Federal or State government, who has reached the age of twenty-five years, who is a resident of the district which he is to represent, and who is able to read and write, shall be qualified to be a candidate for election to the Council. No person who has been convicted of a felony, or who within the last year preceding the election has been convicted of a misdemeanor involving moral integrity shall be eligible to hold office in the Council. The following misdemeanors and no others shall be considered misdemeanors involving moral integrity: adultery, bribery, embezzlement, extortion, fraud, forgery, misbranding, perjury and theft.

ARTICLE III — MEETINGS OF THE COUNCIL

SECTION 1. First Meeting. At the first meeting of the Council after a regular election, the Council shall see that all members have a correct and clear understanding of the Constitution and By-laws and the management of the tribal and reservation affairs, as well as the rules for the conduct of their own body.

SEC. 2. Regular Meeting. The Council shall meet officially on regular meeting dates which shall be on the first Tuesday in each month at nine o'clock a.m. In case the time of the regular Council meeting on the first Tuesday of each month should conflict with a national, state or tribal election, or shall fall on a holiday, the meeting shall be held on the following Wednesday.

SEC. 3. Special Meetings. Special meetings of the Council may be called by the Chairman, or the Chairman shall call a special meeting upon written request of three or more members of the Council.

SEC. 4. Conduct of Business. In the conduct of business, recognized rules of order shall apply. Voting at the Council meeting may be by voice, but at the discretion of the Chairman or upon the request of any two members of the Council a secret vote shall be taken.

SEC. 5. Quorum. Matters of business for the Council shall be decided by a majority vote. A quorum (a number competent to transact business) of the Council shall be constituted if six or more members are present.

SEC. 6. Restriction of Voting in the Council. If any matter coming before the Council which involves the Indian Bureau or any person or company, no member of the Council that may be permanently connected with the party so involved shall be permitted to vote without the special consent of the remaining members of the Council.

ARTICLE IV — MEETINGS OF THE TRIBE

SECTION 1. The Council shall from time to time call meetings of all voters of the Tribe to lay before them such matters as may come before such a general meeting. A general meeting of the Tribe shall be called upon request of a majority of the qualified voters of any district.

ARTICLE V — LAW AND ORDER

SECTION 1. It shall be the duty of the Council to provide through the necessary by-laws or ordinances for the establishment of a tribal court upon the reservation.

SEC. 2. This court shall have jurisdiction of such petty offenses, not falling within the exclusive jurisdiction of the Federal or State courts, as may be enumerated in the ordinances or by-laws of the Tribe.

SEC. 3. This court shall have jurisdiction over all disputes between Indians on the reservation, and over such disputes between Indians and non-Indians as may be brought before the court by stipulation.

SEC. 4. The duties, jurisdiction, and procedure of this court shall be more fully set forth by by-laws or ordinances.

SEC. 5. The judges of this court shall be appointed by the Tribal Council.

SEC. 6. It shall be the duty of the Council to establish by ordinances a tribal police force. Such ordinances shall outline in detail the authority and duties of such tribal police force and the manner in which such police force shall be selected by the Council.

ARTICLE VI — FEDERAL EMPLOYEES

SECTION 1. The Council shall request the Superintendent to furnish it with the names of all civil service probationers or temporary employees under civil service regulations on the San Carlos Reservation that are nearing the end of their probationary periods, and shall advise with the Superintendent in the matter of their being given permanent positions as civil service employees on the Reservation.

ARTICLE VII — ADOPTION

SECTION 1. This revised Constitution and By-laws, when adopted by a majority vote of the qualified voters of the San Carlos Apache Tribe of the San Carlos Reservation, voting at a special election called by the Secretary of the Interior, in which at least thirty percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

***

CERTIFICATION OF ADOPTION

Pursuant to an order approved December 15, 1953, by the Assistant Secretary of the Interior, the foregoing amended Constitution and By-laws of the San Carlos Apache Tribe was submitted for adoption to the qualified voters of the San Carlos Apache Tribe and was on February 23 and 24, 1954, duly ratified by a vote of 405 for, and 402 against, in an election in which at least 30 percent of a total of 1,606 eligible voters cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 State. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

JESS J. STEVENS
Acting Chairman, San Carlos Tribal Council

ROBERT KEY
Acting Secretary, San Carlos Tribal Council

THOMAS H. DODGE
Superintendent, San Carlos Agency

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APPROVAL

I, Douglas McKay, Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached amended Constitution and By-laws of the San Carlos Apache Tribe of the San Carlos Reservation, Arizona, to be effective as of February 24, 1954, the date of the ratification election.

Approval recommended:

GLENN L. EMMONS
Commissioner of Indian Affairs

DOUGLAS McKAY
Secretary of the Interior
[SEAL]

Washington, D.C., April 19, 1954.

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AMENDED CONSTITUTION AND BY-LAWS OF THE WHITE MOUNTAIN APACHE TRIBE OF THE FORT APACHE INDIAN RESERVATION, ARIZONA

Approved May 29, 1958

[The White Mountain Apache Tribe does not have a Federal Charter.]

The Constitution and By-laws of the White Mountain Apache Tribe of the Fort Apache Indian Reservation, Arizona, is amended as follows:

PREAMBLE

We, the White Mountain Apache Tribe of the Fort Apache Indian Reservation, Arizona, in order to form a more representative organization, to exercise the duties and responsibilities of a representative tribal government, to conserve and develop our tribal lands and resources for ourselves and our children, to provide a higher standard of living, better home life and better homes within the reservation, to extend to our people the right to form business and other organizations, do adopt this Constitution and By-laws as a guide to our self-governing program.

ARTICLE I — STATEMENT OF PURPOSE

SECTION 1. In our relation to the United States Government, a relation similar to that which a town or a county has to a State and Federal Government, our own internal affairs shall be managed, insofar as such management does not conflict with the laws of the United States, by a governing body which shall be known as the White Mountain Apache Tribal Council.

ARTICLE II — TERRITORY

The authority of the White Mountain Apache Tribe, of Arizona, shall extend to all of the territory within the exterior boundaries of the Fort Apache Indian Reservation as established by the Act of Congress, June 7, 1897, and to such other lands as the United States may acquire for the benefit of the tribe, or which the tribe may acquire for itself.

ARTICLE III — MEMBERSHIP

SECTION 1. The membership of the White Mountain Apache Tribe shall consist of:

(a) All persons of White Mountain Apache Indian blood whose names appear on the official census roll at Fort Apache Indian Agency, Whiteriver, Arizona, on January 1, 1938.

(b) All persons born prior to the date of approval of this amended constitution from marriages that were contracted before August 26, 1938, between enrolled Apaches and persons other than Apaches.

(c) All persons of one-half degree or more Apache Indian blood born to members of the White Mountain Apache Tribe prior to the date of approval of this amended constitution.

(d) All children of one-half degree or more of White Mountain Apache Indian blood born after the date of approval of this amended constitution to any member of the White Mountain Apache Tribe; Provided, That the parent, next of kin, recognized guardian, or person responsible for their care indicates a willingness to maintain tribal affiliation and to participate in tribal affairs by filing with the Tribal Council within one year after the birth of the child an application to have the child enrolled. The application shall be accompanied by the child's birth certificate or in the absence of a birth certificate by any other evidence as to the eligibility of the child for enrollment as the Tribal Council may require. If the certificate, other evidence, and application are not filed within the designated time the child shall not be enrolled.

SEC. 2. The Council shall have the power to pass ordinances which are consistent with and pursuant to this constitution governing future membership, loss of membership, and the adoption of members by the White Mountain Apache Tribe, subject to review and approval of the Secretary of the Interior.

SEC. 3. The membership roll of the White Mountain Apache Tribe shall be kept current by adding thereto the names of persons who qualify for membership and by deleting therefrom the names of persons who have relinquished in writing their membership in the tribe. Upon receipt of death certificates of deceased members or other evidence of death satisfactory to the Tribal Council, the names of these deceased members shall be removed from the roll.

ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of the White Mountain Apache Tribe shall be known as the White Mountain Apache Tribal Council and shall consist of a Chairman, Vice-Chairman and nine members to be chosen as follows:

Chairman, by popular vote of the tribe.	1
Vice-Chairman, by popular vote of the tribe.	1
Two members, by popular vote of the Cibecue, Oak Creek and Grasshopper District.	2
Two members, by popular vote of the Carrizo, Forestdale and Cedar Creek District.	2
Two members, by popular vote of the Eastfork, Turkey Creek, and Seven Mile District.	2
Three members, by popular vote of the Canyon Day and Whiteriver-Northfork District.	3

SEC. 2. Districts Defined. For purposes of voting and representation on the Council, the districts shall be defined as follows:

DISTRICT I

CIBECUE, OAK CREEK, AND GRASSHOPPER

Starting at the northwest corner of the Fort Apache Indian Reservation follow the north boundary of said reservation along a meandering course for 25 miles in a generally easterly direction to Phoenix Park, thence approximately midway between Phoenix Park Canyon and Foot Canyon along the boundary fence between District I and District II six miles in a south south easterly direction to the thread of Carrizo Creek, thence across Carrizo Creek and along Cibecue Ridge approximately 23 miles in a south south easterly direction to the U. S. Highway 60 right-of-way line, thence along the U. S. Highway 60 right-of-way line 15 miles in a south westerly direction to thethread of the Salt River, thence along the thread of the Salt River 30 miles in a generally west south westerly direction to the southwest corner of the Fort Apache Indian Reservation 11 miles N. N. W. to Sombrero Butte, thence continuing along the west reservation boundary line 32 miles in a northerly direction to the point of beginning at the northwest corner of the Fort Apache Indian Reservation. This enclosed area contains 430,571 acres more or less.

DISTRICT II

CARRIZO, FORESTDALE, AND CEDAR CREEK

Starting at a point on the north boundary of the Fort Apache Indian Reservation approximately 1/4 mile north of the S. W. corner of Sec. 3, T. 10 N, R. 17 E, Gila and Salt River Meridian, said point being at the boundary fence line between District I and District II, thence along the north boundary of the Fort Apache Indian Reservation approximately 50 miles in a generally E. S. E. direction to the approximate line between Sections 5 and 6 T. 8 N, R. 23 E, thence approximately 4 miles in a generally southerly direction along the boundary line fence between District II and District III to Amos Mt., thence approximately 6½ miles S. S. E. to Little Round Top Mt., thence approximately 26 miles in a southwesterly direction across Round Top Mt.,and Cane Butte to the thread of the Salt River (the present boundary fence between Districts II and III being followed all the way from Amos Mt.), thence approximately 34 miles along the thread of the Salt River in a generally W. N. W. direction to the right-of-way line of U. S. Highway 60, thence approximately 15 miles in a northeasterly direction along the right-of-way line to the fence line of the Carrizo Bull Pasture, thence approximately 23 miles in a north northwesterly direction across U. S. Highway 60 and following the boundary fence between Districts II and III along Cibecue Ridge to the thread of Carrizo Creek, thence approximately 6 miles in a north northwesterly direction across Carrizo Creek and continuing along the boundary fence line between Districts II and III. The closed area contains 460,208 acres more or less.

DISTRICT III

EAST FORK, TURKEY CREEK, AND SEVEN MILE

Starting at a point on the north boundary of Fort Apache Indian Reservation and on the approximate line between Sections 5 and 6, T.8N, R.23E, Gila and Salt River Meridian, thence following a meandering line along the north boundary of said reservation for approximately 19 miles in an easterly direction to a point approximately on the line between Sections 26 and 27, T.9N, R.25E, thence continuing along the reservation boundary line approximately 18 miles in a south easterly direction to a point in Sec. to, T.7N, R.27E, thence along the boundary fence between Districts III and IV approximately 10 miles in a generally W. N. W. direction to a point near the Ryan Ranch, thence approximately 10½ miles in a southerly direction across Aspen Ridge, thence approximately 19 miles in a W. S. W. direction crossing the White River and continuing to a point approximately ½ mile S. of the village of Whiteriver, thence approximately

22 miles in a generally southerly direction to the thread of the Black River (the boundary fence line between Districts III and IV being followed from the Ryan Ranch to the Black River except for stretches where steep bluffs make fencing unnecessary), thence approximately 48 miles in a northwesterly direction along the thread of the Black River to the junction of the White River and continuing approximately 2.2 miles along the thread of the Salt River, thence approximately 26 miles along the boundary fence between Districts II and III in a northeasterly direction crossing Cane Butte and Round Top Mt. and continuing to Little Round Top, thence approximately 6½ miles N. N. W. to Big Mt., thence approximately 4 miles E. N. E. to Amos Mt., thence approximately 4 miles in a generally northerly direction to the point of beginning. This enclosed area contains 339,545 acres more or less.

DISTRICT IV
CANYON DAY, WHITERIVER, AND NORTH FORK

Starting at a point on Mt. Baldy, thence following the Fort Apache Indian Reservation boundary approximately 4 miles in an easterly direction, thence follow said reservation boundary approximately 17.7 miles S. to the thread of the Black River, thence follow the thread of the Black River approximately 39 miles in a generally south westerly direction, thence following the thread of the Black River approximately 30 miles in a generally north westerly direction to a point 2 miles downstream from the junction of Big Bonito Creek, thence approximately 22 miles in a generally northerly direction to a point approximately ½ mile S. of the village of White River, thence approximately 19 miles in an E. N. E. direction, crossing the White River and continuing to a point S. of Aspen Ridge, thence approximately 10½ miles in a northerly direction across Aspen Ridge and continuing to a point near the Ryan Ranch, thence approximately 10 miles in a generally E. S. E. direction to the east boundary of the Fort Apache Indian Reservation, thence approximately 6 miles in a generally S. S. W. direction to the point of the beginning on Mt. Baldy. This enclosed area contains 420,709 acres more or less.

SEC. 3. The Council may from time to time by ordinance change the foregoing number of representation according to the growth and movement of the population.

SEC. 4. Organization of Council. The Council shall choose, either from within or without its own membership or from non-members, a secretary, a treasurer, and such other officers as it may consider necessary.

SEC. 5. First Election. The first election of Chairman, Vice-Chairman and Councilman under this constitution and by-laws shall be held within sixty days after this constitution is adopted and approved. In the first election the candidate in each district receiving the highest number of votes shall hold office for four years or until a successor is chosen. The other candidates elected shall hold office for two years or until a successor is chosen. In each regular election thereafter one candidate shall be elected from each district and shall hold office for a term of four years, or until a successor is chosen, except in the Canyon Day and Whiteriver-Northfork Districts, which shall elect two candidates at every other election, such candidates to hold office for four years or until a successor is chosen.

SEC. 6. Members of the Council shall take office on the first Wednesday of the first month after their election.

SEC. 7. Council Chairman and Vice-Chairman. The Chairman and Vice-Chairman of the Tribal Council shall be elected for a term of four years by popular vote of the tribe or until a successor is chosen. Candidates for such office shall possess the qualifications required of candidates for Council membership, as set forth in Article II of the By-laws, except as to residence. The candidates for Chairman and Vice-Chairman need only be residents of the Fort Apache Indian Reservation. Such elections shall be held under the same rules as the election for Council members and the Chairman and Vice-Chairman of the Tribal Council shall take office on the same day that the Council members take office.

ARTICLE V — POWERS OF THE COUNCIL

SECTION 1. In addition to all powers vested in the White Mountain Apache Tribal Council by existing law, the White Mountain Apache Tribal Council shall exercise the following powers, subject to any limitations imposed by the Constitution or the Statutes of the United States applicable to Indians or Indian tribes, and subject further to all expressed restrictions upon such powers contained in this constitution and by-laws:

(a) To represent the tribe and act in all matters that concern the welfare of the tribe, and to make decisions not inconsistent with or contrary to this Constitution and By-laws of the Constitution and Statutes of the United States applicable to Indians or Indian tribes.

(b) To negotiate, make and perform contracts and agreements of every description, not inconsistent with law or this Constitution and subject to the review and approval of the Secretary of the Interior where such review or approval is required by statute or regulation, with any person, association, or corporation, with any municipality or any county, or with the State of Arizona or the United States, including agreements with the State of Arizona for rendition of public services.

(c) To advise the Secretary of the Interior on all activities that may affect the Fort Apache Indian Reservation, and on all appropriation estimates and Federal projects for the benefit of the tribe before such estimates and projects are submitted to the Bureau of the Budget and to Congress.

(d) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as such approval is required by Federal law.

(e) To veto the sale, disposition, lease or encumbrance of tribal lands, interests in lands, tribal funds or other tribal assets that may be authorized by any agency or employee of the Government.

(f) To protect and preserve the wildlife, natural resources and water rights of the tribe, to regulate hunting and fishing on the reservation.

(g) To cultivate Indian arts, crafts and cultures.

(h) To regulate the uses and disposition of tribal property.

(i) To manage all economic affairs and enterprises of the tribe including tribal lands, timber, sawmills, flour mills, community stores, and any other tribal activities.

(j) To accept grants or donations from any person, State or the United States.

(k) To appropriate tribal funds for tribal purposes and to expend such funds in accordance with an annual budget approved by the Secretary of the Interior.

(l) To borrow money from any source and pledge or assign chattels or future tribal income as security therefor, subject to the review and approval of the Secretary of the Interior.

(m) To provide by ordinance for the assignment, use or transfer of tribal lands within the reservation.

(n) To enact ordinances subject to review and approval by the Secretary of the Interior covering the granting of both surface and subsurface leases for such periods as are permitted by law.

(o) To levy and collect taxes and to impose license fees, subject to review and approval by the Secretary of the Interior, upon members and non-members doing business within the reservation.

(p) To enact ordinances, subject to review and approval by the Secretary of the Interior, to provide for the adoption of minor children of members of the tribe, but all adoptions accomplished in accordance with State laws shall be recognized as valid by the Tribal Council and to provide further for child welfare and placement services.

(q) To enact ordinances, subject to review and approval by the Secretary of the Interior, establishing and governing tribal courts and law enforcement among Indians on the reservation, regulating domestic relations of members of the tribe, but all marriages and divorces shall be in accordance with State laws, providing for appointment of guardians for minors and mental incompetents, regulating the inheritance of non-restricted real and personal property of members of the tribe within the reservation, and providing for the removal or exclusion from the reservation of any non-member of the tribe whose presence may be injurious to the people of the reservation.

(r) To enact ordinances governing the activities of voluntary associations consisting of members of the tribe organized for purposes of cooperation or other purposes.

(s) To regulate its own procedures, to appoint subordinate committees, commissions, boards, advisory or otherwise, tribal officials and employees not otherwise provided for in this Constitution and By-laws, and to regulate subordinate organizations for economic and other purposes.

(t) The Tribal Council of the White Mountain Apache Tribe may exercise such further powers as may be delegated to the Council by members of the tribe or by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal Government.

(u) The foregoing enumeration of powers shall not be construed to limit the powers of the White Mountain Apache Tribe.

ARTICLE VI — REVIEW BY THE SECRETARY

SECTION 1. (a) Any resolution or ordinance which, by the terms of this amended constitution is subject to review by the Secretary of the Interior, which term as used in this constitution and by-laws shall include the Secretary or his authorized representative , shall within 10 days of its enactment be presented to the Superintendent of the Fort Apache Agency, who shall within 10 days after its receipt by him approve or disapprove it, in accordance with any applicable statutes or any federal departmental regulations.

(b) If the Superintendent approves any resolution or ordinance it shall thereupon become effective, but the Superintendent shall transmit the enactment bearing his endorsement to the Secretary of the Interior, who may, within 90 days of the date of its enactment rescind the resolution or ordinance for any cause by notifying the White Mountain Apache Tribal Council of his action.

(c) If the Superintendent disapproves any resolution or ordinance, he shall within 10 days after its receipt by him advise the White Mountain Apache Tribal Council of his reasons therefor, and if these reasons appear to the Council insufficient, it may, by vote of the majority of the Council, refer the resolution or ordinance to the Secretary of the Interior, and if approved by him in writing it shall become effective.

ARTICLE VII — RIGHTS OF MEMBERS

SECTION 1. All members of the White Mountain Apache Indian Tribe shall be accorded equal political rights and equal opportunities to participate in the economic resources and activities of the tribe, and no person shall be denied freedom of conscience, speech, association or assembly, or the right to petition for the redress of grievances.

ARTICLE VIII — ELECTIONS

SECTION 1. Regular Elections. The first regular election to vote for Chairman, Vice-Chairman and Councilmen shall be held within sixty days following the date of adoption and approval of this amended Constitution and By-laws. Thereafter, regular elections for Councilmen shall be held every two years on the first Wednesday in April. Regular elections for Chairman and Vice-Chairman shall be held every four years on the same day noted above for Councilmen.

SEC. 2. Notice. All elections shall be announced by special notice posted at least fifteen days before the election at the voting places and other convenient public places.

SEC. 3. Eligibility. Any enrolled member of the tribe 21 years of age or older shall have the right to vote.

SEC. 4. Voting Places. The voting places shall be:

Whiteriver-North Fork	Alchesay Hall
East Fork	Police Station
Seven Mile	Carl Velasquez Place
Canyon Day	Lutheran Church
Carrizo	Police Station
McNary	Lutheran Church
Cibecue	Day School
Forestdale	Forestdale
Cedar Creek	Day School

and others as may be established by the Council.

SEC. 5. Nomination of Chairman and Vice-Chairman. Any resident member of the tribe whose name is presented at least fifteen days before the election to the Secretary or to the Chairman, or in his absence, to the Vice-Chairman of the Council, by petition signed by at least five percent of the resident voters of the age of not less than twenty-one years shall be declared by the Council to be regularly nominated and to be a candidate for the office of Chairman or Vice-Chairman as indicated in such petition. It shall be the duty of the Secretary to post the names of all qualified candidates in at least one public place in each district at least ten days prior to the election.

SEC. 6. Nomination of Council Members. Any member of the tribe who is a resident of the district from which he desires to be nominated, whose name is presented at least fifteen days before the election, to the Secretary or to the Chairman, or in his absence, to the Vice-Chairman of the Council, by petition signed by at least five percent of the resident voters of the district, of the age of not less than twenty-one years, shall be declared by the Council to be regularly nominated as a Council member and to be a candidate for the office of a Council member as indicated in such petition. It shall be the duty of the Secretary to post the names of all qualified candidates in a public place at least ten days prior to the election.

SEC. 7. Signing of Nomination Paper. Each signer of a nomination paper shall sign but one paper for the same office unless more than one candidate is to be elected to such office, and in that case, not more than the number of nomination papers equal to the number of candidates to be elected to the office. Signatures of persons in violation of this section shall be disregarded in determining the regularity of a nomination.

SEC. 8. Election Requirements. (a) All elections shall be by secret written ballot. The Council shall have power to prescribe ordinances governing the conduct of referendums and elections. Such ordinances shall prescribe the duties of the election board, procedures for casting and canvassing resident and non-resident ballots, method for challenging right to vote, conduct and results of elections, and settlement of any election disputes.

(b) If the Tribal Council shall fail to give the appropriate notice of an election, or in case a regular election has not been held, the Secretary of the Interior, upon the receipt of a petition signed by at least five percent of the eligible voters of the tribe, shall call such election and shall give fifteen days notice setting the time and place of the election.

ARTICLE IX — REMOVAL FROM OFFICE

SECTION 1. Forfeiture of Office. If a Chairman or Vice-Chairman or any member of the Council fails or refuses to attend two regular meetings in succession unless excused due to illness or other causes for which he cannot be held responsible, or shall be convicted of a felony or of a misdemeanor involving moral integrity, or if he has been found guilty of disorderly conduct, consisting of being drunk and disorderly in a public or private place, or is guilty of consuming any alcoholic beverages while attending a meeting of the Council in session, or during any daytime recess period, the Council shall declare his position vacant.

SEC. 2. Removal from Office. The Council may, by an affirmative vote, call a special tribal election for the removal of the Chairman or Vice-Chairman after the accused official has been given the same opportunity to reply to any or all charges as is given to Councilmen.

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SEC. 3. Vacancies. Any vacancies on the Council or any vacancy in the office of Vice-Chairman resulting from the application of one of the two sections immediately preceding shall be filled at once by a majority vote of the Council, a vacancy in the office of Chairman shall be filled by the Vice-Chairman. Persons so appointed shall serve the unexpired term of the office or member.

ARTICLE X — REFERENDUM

Upon a petition of at least twenty percent of the eligible voters of the tribe, or upon the request of the majority of the members of the Tribal Council, any enacted or proposed ordinance or resolution of the Tribal Council shall be submitted to popular referendum at a special election called by the Council and the vote of the majority of the qualified voters in such referendum shall decide whether the ordinance or resolution shall thereafter be in effect, provided that thirty percent or more of the eligible voters shall vote in such referendum.

ARTICLE XI — RESERVATION LAND

SECTION 1. The reservation land now unallotted shall remain tribal property and shall not be allotted to individuals in severalty, but assignments of land for private use may be made by the Council in conformity with ordinances which may be adopted on this subject. Such ordinances shall be subject to review by the Secretary of the Interior.

ARTICLE XII — AMENDMENTS

SECTION 1. This Constitution and By-laws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the Council, or upon receipt of a petition signed by at least thirty percent of the qualified voters of the tribe.

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BY-LAWS OF THE WHITE MOUNTAIN APACHE TRIBE OF THE FORT APACHE INDIAN RESERVATION

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman of the Council. The Chairman of the Council shall preside over all meetings of the Council, shall perform all duties of a Chairman and exercise any authority given him specifically by the Council or by a general meeting of the tribe. The Chairman shall have power to vote.

SEC. 2. Vice-Chairman. In the absence of the regular Chairman, the Vice-Chairman shall preside and shall have all powers, privileges and duties of the Chairman. He shall succeed to the office of Chairman in the event of the Chairman's death, forfeiture of office or removal from office. He shall have power to vote at any meeting.

SEC. 3. Secretary. The secretary shall conduct all tribal correspondence and it shall be his duty to submit promptly to the Superintendent of the jurisdiction and other appropriate offices of the Bureau of Indian Affairs, copies of all minutes of regular and special meetings of the Council.

SEC. 4. Treasurer. (a) The treasurer shall accept, receipt for, keep and safeguard all funds in the custody of the Council. He shall deposit all such funds as directed by the White Mountain Apache Tribal Council and shall keep an accurate record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his custody to the Council at regular meetings and at such other times as requested by the Council. He shall not pay or otherwise disburse any funds in custody of the Council except when properly authorized to do so by the Council.

(b) The books and records of the treasurer shall be audited at least once a year by a competent auditor employed by the Council, or the Commissioner of Indian Affairs, and, at such other times as the Council may direct. A copy of the report shall be submitted to the Commissioner of Indian Affairs.

(c) The treasurer shall be required to give a surety bond to be approved by the Council and the Commissioner of Indian Affairs or his authorized representative.

(d) All checks shall be signed by the treasurer and shall be countersigned by the Chairman of the Council, or in his absence, by some other officer designated by the Council.

ARTICLE II — QUALIFICATIONS OF COUNCILMEN

SECTION 1. Any member of the tribe who has reached the age of twenty-five years, who is a resident of the district which he or she is to represent, or who operates cattle within the said district or who has farm land assigned to him or her in said district, shall be qualified to be a candidate for election to the Council. No person who has been convicted of a felony, or who within the past year preceding the election has been convicted of a crime involving moral integrity, shall be eligible to hold office in the Council. The following crimes, and no others, shall be considered crimes involving moral integrity: adultery, bribery, embezzlement, extortion, fraud, forgery, misbranding, perjury, theft, and/or drunk and disorderly conduct.

SEC. 2. No tribal member shall become a member of the White Mountain Apache Tribal Council, or serve on any Board of Directors of any tribal enterprise or cattle association, or on any other committee, commission or board which is under the jurisdiction of the White Mountain Apache Tribal Council, if he is employed by the Bureau of Indian Affairs or by any other Federal Government Agency.

ARTICLE III — MEETINGS OF THE COUNCIL

SECTION 1. First Meeting. At the first meeting of the Council after a regular election, the Council shall see that all members have a correct and clear understanding of the Constitution and By-laws and the management of the tribal and reservation affairs, as well as the rules for the conduct of their own body.

SEC. 2. Regular Meetings. The Council shall hold its regular meeting on the first Wednesday in each month at nine o'clock a.m., unless for some reason the Chairman shall issue notice that the meeting will be held on another date.

SEC. 3. Special Meetings. Special meetings of the Council may be called by the

Chairman or the Superintendent, or the Superintendent or the Chairman shall call a special meeting upon written request of three or more members of the Council.

SEC. 4. Conduct of Business. In the conduct of business, recognized rules of order shall be chosen and made applicable. Voting at the Council meeting may be by voice, but at the discretion of the Chairman or upon the request of any two members of the Council a secret vote shall be taken.

SEC. 5. The order of business at any regular or special meeting of the Tribal Council shall be as follows:

(a) Call to order by the Chairman.
(b) Roll Call.
(c) Reading of minutes of last meeting.
(d) Unfinished business.
(e) Reports.
(f) New Business.
(g) Adjournment.

SEC. 6. Quorum. Matters of business for the Council shall be decided by a majority vote. A quorum (a number competent to transact business) of the Council shall be constituted if six or more members are present.

SEC. 7. Restriction of Voting in the Council. In any matter coming before the Council which involves any person or company, no member of the Council that may be permanently connected with the party so involved shall be permitted to vote without the special consent of the remaining members of the Council.

SEC. 8. The Tribal Council may prescribe such salaries and expenses for officers or members of the Council as it deems advisable, from such funds as may be available.

ARTICLE IV — MEETINGS OF THE TRIBE

SECTION 1. The Council shall from time to time call meetings of all voters of the tribe to lay before them such matters as may come before such a general meeting. A general meeting of the tribe shall be called upon request of a majority of the qualified voters of any district.

ARTICLE V — ORDINANCES AND RESOLUTIONS

SECTION 1. Every ordinance shall begin with the words, "Be it enacted by the Council of the White Mountain Apache Tribe." Every resolution shall begin with the words, "Be it resolved by the Council of the White Mountain Apache Tribe." All resolutions and ordinances should be signed by the Chairman or acting Chairman and attested to by the Secretary.

SEC. 2. All proposed ordinances of the Council shall be posted in each district at least ten days before final action by the Council.

SEC. 3. All ordinances and resolutions shall be recorded in a special book and shall be open to public inspection.

SEC. 4. All final decisions of the Council on matters of temporary interest (such as action on the tribal budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoptions of members, instructions for reservation employees or rules of order for the Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

SEC. 5. All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion of the Council or by the ruling of the Chairman if no objection is heard. In all ordinances, resolutions, or motions, the Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

ARTICLE VI — FEDERAL EMPLOYEES

SECTION 1. The Council shall request the Superintendent to furnish it with the names of all civil service probationers or temporary employees under civil service regulations on the Fort Apache Indian Reservation who are nearing the end of their probationary periods, and shall advise with the Superintendent in the matter of their being given permanent positions as civil service employees on the reservation.

ARTICLE VII — ADOPTION

SECTION 1. This revised Constitution and By-laws, when approved by the Secretary of the Interior, shall be effective from and after the date of its ratification by a majority of the qualified voters of the White Mountain Apache Tribe of the Fort Apache Reservation, voting at a special election called for that purpose by the Secretary of the Interior, in which at least 30 percent of those entitled to vote shall vote.

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APPROVAL

I, Roger Ernst, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378), do hereby approve the attached revised Constitution and By-laws of the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, subject to ratification by the Tribe in the manner therein provided.

Upon ratification of this revised Constitution and By-laws, all rules and regulations promulgated by the Interior Department or by the Bureau of Indian Affairs, so far as they may be incompatible with any of the provisions of the said revised Constitution and By-laws, are declared inapplicable to the White Mountain Apache Tribe, except where the rule or regulation expressly indicates otherwise.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said revised Constitution and By-laws.

Approval recommended:

GLENN L. EMMONS
Commissioner of Indian Affairs

ROGER ERNST
Assistant Secretary of the Interior

[SEAL]

Washington, D.C., May 29, 1958.

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CERTIFICATION OF ADOPTION

Pursuant to an order approved May 29, 19 58, by the Assistant Secretary of the Interior, the attached amended Constitution and By-laws of the White Mountain Apache Tribe of the Fort Apache Reservation was submitted for adoption to the qualified voters of the White Mountain Apache Tribe and was on June 27, 19 58, duly adopted/xxxxxxxx by a vote of 734 for, and 67 against, in an election in which at least 30 percent of a total of 1900 eligible voters cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

CLINTON KESSAY
Chairman, White Mountain Apache
Tribal Council

MARY C. ENDFIELD
Secretary, White Mountain Apache
Tribal Council

June 30, 1958

ALBERT M. HAWLEY
Supt., Fort Apache Agency.

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CONSTITUTION OF THE COCOPAH TRIBE

SOMERTON, ARIZONA

PREAMBLE

We, the Cocopah Indians, all of whom are members of the Cocopah Tribe and whose names appear on the Cocopah Rolls, June 10, 1958, and approved by the Commissioner of Indian Affairs on July 30, 1959, do hereby voluntarily join together in order to establish a legal Tribal Organization for exercising certain powers which will promote the common welfare of our membership, and do hereby adopt this Constitution.

ARTICLE I — TERRITORY

The territory to be administered by the Cocopah Tribe shall consist of all the land specified in Executive Order 2711, dated September 27, 1917, and Public Law 85-150 of August 17, 1961, and any other land in which by virtue of purchase, gift, Act of Congress, or otherwise, the Cocopah Tribe acquires an ownership, management, use or occupancy interest.

ARTICLE II — NAME OF ORGANIZATION

The name of the organization shall be the Cocopah Tribe.

ARTICLE III — MEMBERSHIP

SECTION 1. The membership of the Cocopah Tribe shall consist of:

(a) All Cocopah Indians whose names appear on the official census roll of June 10, 1958, and approved by the Commissioner of Indian Affairs on July 30, 1959, provided such persons are not enrolled as members of some other tribe, band, or community of Indians; and provided further, that within five years from the adoption of this Constitution, corrections may be made in the roll by the governing body, subject to the approval of the Secretary of the Interior or his authorized representative.

(b) Any child of one-fourth degree or more of Cocopah Indian blood who is born to a member of the Cocopah Tribe, provided that a certified copy of the child's birth certificate or other satisfactory evidence of birth or parentage is forwarded to the Secretary-Treasurer of the Cocopah Tribe within one year from date of the child's birth or the approval date of this constitution, whichever is later.

SEC. 2. The Tribal Council of the Cocopah Tribe shall have the power to adopt resolutions covering the adoption of new members subject to the approval of a majority vote of eligible voters, voting in a regularly called tribal meeting, and subject further to the approval of the Secretary of the Interior or his authorized representative, except that no person shall be adopted into the Cocopah Tribe who is not a citizen of the United States or who is a member of some other tribe, band or community of Indians unless that person relinquish that membership and all such persons desiring tribal membership must have had on file, with the Cocopah Tribe, an application for membership for at least one year.

ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of the Cocopah Tribe shall be the Tribal Council composed of five (5) members, consisting of the Chairman, Vice-Chairman, and three other members. Three of such members shall constitute a quorum.

SEC. 2. The membership of the Cocopah Tribe shall elect from its own membership, at a meeting called for this purpose, by secret ballot a Chairman, and Vice-Chairman and three council members to serve on the Tribal Council. First election under this Constitution shall be held within sixty (60) days following approval of this Constitution, and elections shall be held thereafter at two year intervals on the month and day as set forth in Article V. Members of the Tribal Council may succeed themselves.

SEC. 3. The Chairman, or a majority of the Tribal Council, or twenty-five percent (25%) of the qualified voters may, by written notice, call tribal meetings of the Cocopah Tribe. Twenty-five percent (25%) of the qualified voters of the tribe shall constitute a quorum at any tribal meeting.

SEC. 4. All members of the Cocopah Tribe who have reached the age of twenty-one (21) years shall be qualified voters at any meeting of election.

ARTICLE V — ELECTIONS

SECTION 1. The General Meeting of the Cocopah Tribe for the purpose of electing the Tribal Council in all subsequent elections shall be held in even numbered years on the second Friday in July. The meeting and voting place shall be on the Cocopah Reservation as designated by the Tribal Council. The Tribal Council shall cause notice to be posted of such meeting and election in at least two places on the Cocopah Reservation fifteen (15) days prior to the meetings and election.

SEC. 2. Special meetings and elections may be called by the Tribal Council for electing a Tribal Council member to fill the unexpired term of a deceased member, a member who has resigned, or been removed for other cause, provided that notice of such meeting and election shall be given as in the case of regular election meetings.

SEC. 3. Nominations for the Chairman, Vice-Chairman, and three other members of the Tribal Council shall be made from the floor at the General or Special Meeting of the Cocopah Tribe.

SEC. 4. The elections shall be by secret ballot. The Tribal Council shall prescribe rules for the casting and canvassing of ballots, including the procedures for handling absentee ballots. They will also prescribe the necessary details of election procedures covering the election of Tribal Council members and referendum elections.

ARTICLE VI — POWERS OF THE TRIBAL COUNCIL

SECTION 1. Enumerated Powers. The Tribal Council representing the Cocopah Tribe shall exercise the following powers, subject to any limitations imposed by the Constitution or the Statutes of the United States applicable to Indians, and subject further to all expressed restrictions upon such powers contained in this Constitution. The Chairman of the Tribal Council may veto resolutions or ordinances of the Tribal Council, within three days of date of passage, however, upon reconsideration by the Tribal Council, a majority vote of those present at a duly constituted meeting will over-ride the Chairman's veto.

A. Powers not subject to approval of the Secretary of the Interior or his authorized representative:

(1) To represent the Cocopah Tribe and act in all matters that concern the welfare of the Cocopah Tribe and to make any and all decisions which are consistent with this Constitution and the Statutes of the United States.

(2) To veto any sale, disposition, lease, or encumbrance of tribal lands, interests in land or other tribal assets.

(3) To advise the Secretary of the Interior or his authorized representative with regard to all appropriate estimates or Federal projects for the benefit of the tribe prior to submission of such estimates to the Bureau of the Budget and to Congress.

(4) To regulate and license and/or issue peddlers' permits to members or nonmembers to do business on the reservation in a manner not inconsistent with traders' licenses issued by the Commissioner of Indian Affairs.

(5) To engage in any business that will further the economic well-being of the members of the tribe or to undertake any activity of any nature whatever not inconsistent with law or with any provision of this Constitution.

(6) To make and perform contracts including loan contracts and agreements of every description not inconsistent with law or with any provision of this Constitution with any person, association, corporation, municipality, county, State or with the United States.

(7) To pledge or assign chattel and crop mortgages as security for loans, or approve individual assignments.

(8) To regulate its own procedures; to appoint subordinate committees, commissions, and boards; and to create and regulate subordinate organizations for economic and other purposes.

(9) To negotiate with Federal Government, State, City and County Officials.

(10) The Tribal Council may exercise such additional powers as may be delegated to it by the members of the tribe and take such actions as are necessary to carry into effect any of its powers and duties.

B. Powers subject to the approval of the Secretary of the Interior or his authorized representative:

(1) To acquire, manage, lease, use, contract, assign, encumber, or dispose of any or all tribal assets, subject to approval when required by law and regulations.

(2) To employ legal counsel, the contract, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative.

(3) With the approval of the Secretary of the Interior, or his authorized representative, assign future tribal income from trust property.

(4) To budget tribal funds and manage economic affairs and enterprises in accordance with the terms of the budget and this Constitution.

(5) To promulgate and enforce ordinances providing for the levying of taxes; dealing with Law and Order, domestic relations, and welfare; providing for the licensing of members and non-members for purposes of hunting and fishing on the reservation, and for the exclusion from the territory of the community of persons not so licensed and establishing proper agencies for the enforcement of such ordinances upon the reservation.

(6) The Tribal Council may elect to designate a commercial bank as the Cocopah Tribe's depository.

ARTICLE VII — BILL OF RIGHTS

SECTION 1. All members of the tribe shall be accorded equal political rights and equal opportunities to participate in the economic resources and activities of the tribe, and no person shall be denied freedom of conscience, speech, association or assembly, or due process of law, or the right to petition for the redress of grievances. The members of the tribe shall continue undisturbed in their religious beliefs and nothing in this Constitution will authorize the Tribal Council to interfere with religious practices.

ARTICLE VIII — REVIEW BY THE SECRETARY

Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, or his authorized representative shall be presented to the Superintendent in Charge of the Reservation who shall within ten (10) days of receipt approve or disapprove same. If the Superintendent in Charge of the Reservation shall approve any ordinance or resolution, it shall thereupon become effective , but he shall submit a copy of the same bearing his endorsement, to the Secretary of the Interior, or his authorized representative, who may, within ninety (90) days from the date of the Superintendent's approval, rescind the said ordinance or resolution for any cause by notifying the Tribal Council of such rescission. If the Secretary shall fail to act within the ninety (90) day period, the ordinance or resolution shall remain in effect as of the date of the Superintendent's approval.

If the Superintendent in Charge of the Reservation shall refuse to approve any resolution or ordinance submitted to him within ten (10) days after receipt by him, he shall advise the Tribal Council of his reasons therefor in writing. If those reasons appear insufficient to the Tribal Council, they may by majority vote, refer the ordinance or resolution to the Secretary of the Interior, or his authorized representative, who may, within ninety (90) days from the date of its submission to him, approve same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE IX — REMOVAL AND RESIGNATION FROM OFFICE

SECTION 1. If a member of the Tribal Council fails or refuses to attend two regular meetings, unless excused due to illness or other causes for which he cannot be held responsible, or shall be convicted of a felony, or of a misdemeanor resulting in a jail sentence, his office may be declared forfeited by a resolution of the Tribal Council.

SEC. 2. Any Tribal Council member resigning or taken by death out of office or re moved for other cause may be replaced by appointment of the Tribal Council pending an election in accordance with Article V, Section 2.

ARTICLE X — AMENDMENTS

SECTION 1. This Constitution may be amended by a majority vote of qualified voters of the tribe voting in an election called for that purpose by the Secretary of the Interior, or his authorized representative provided that at least thirty percent (30%) of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior or his authorized representative.

SEC. 2. It shall be the duty of the Secretary of the Interior, or his authorized representative, to call an election on any proposed amendment at the request of the Tribal Council, or upon presentation of a petition signed by thirty percent (30%) of the qualified voters of the tribe.

ARTICLE XI — ORGANIZATION OF THE TRIBAL COUNCIL AND DUTIES OF OFFICERS

SECTION 1. The Chairman of the Tribal Council shall preside over all meetings of the Tribal Council, and perform all duties of a Chairman and exercise any authority given him specifically by the Tribal Council or by a general meeting of the Cocopah Tribe. He shall vote only in case of a tie.

SEC. 2. The Vice-Chairman, in the absence of the Chairman, shall preside, and when so presiding, shall have all powers, privileges, duties and responsibilities of the Chairman. He shall have the power to vote in all meetings except those under his direction. In this case he shall vote only when there is a tie vote.

SEC. 3. In the absence of both the Chairman and the Vice-Chairman, the Tribal Council members shall elect a temporary Chairman who shall perform the duties and responsibilities of the Chairman.

SEC. 4. The Tribal Council at its first regular meeting following election, shall elect from within or without its own membership a Secretary-Treasurer. The Secretary-Treasurer shall conduct Tribal Council correspondence at the direction of the Chairman, and it shall be his duty to submit promptly to the Officer in Charge of the Reservation or other appropriate offices of the Bureau of Indian Affairs, copies of all minutes of regular and special meetings of the Tribal Council as well as copies of all resolutions and ordinances adopted by the Tribal Council.

The Secretary-Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Tribal Council and forward all funds to the appropriate Individual Indian Money Account or other designated depository. He shall make and preserve a faithful record of such funds and shall report all receipts and expenditures and the amount and nature of all funds in his custody. Such report being made in writing to the Tribal Council at regular meetings and at such other times as requested by the Tribal Council. He shall not disburse any tribal funds in his custody or custody of the Tribal Council except when properly authorized to do so by a resolution duly passed by the Tribal Council and/or in accordance with the approved tribal budget.

The books and records of the Secretary-Treasurer shall be audited at least once each year by a competent auditor secured by the Tribal Council and at such other times as the Tribal Council may direct. A copy of all audit reports shall be filed with the Tribal Council and Superintendent.

The Secretary-Treasurer shall be required to give a bond satisfactory to the Tribal Council and to the Commissioner of Indian Affairs, the expense of which shall be accepted by the tribe. Until the Secretary-Treasurer is bonded, the Tribal Council with the approval of the Superintendent may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

ARTICLE XII — QUALIFICATIONS OF TRIBAL COUNCIL MEMBERS

SECTION 1. Any member of the Cocopah Tribe shall be qualified to be a candidate for election to the Tribal Council who has reached the age of twenty-one (21) years and who resides within a radius of fifty (50) miles from the present reservation land and within the United States.

ARTICLE XIII — TRIBAL COUNCIL MEETINGS

SECTION 1. At the first meeting of the Tribal Council following a regular election, the Tribal Council members shall see that members have a correct and clear understanding of this Constitution, management of tribal affairs, and rules of conducting their meetings.

SEC. 2. Regular meetings of the Tribal Council shall be held the second Friday of each month at a place and time specified by the Chairman at the previous meeting. In case the regular meeting date falls on a State or National Holiday, the Tribal Council may postpone such regular meeting not to exceed 10 (ten) days.

SEC. 3. Special meetings of the Tribal Council may be called by the Chairman, or the Chairman shall call a special meeting when presented a written request signed by three or more Tribal Council members.

SEC. 4. Robert's Rules of Order shall apply in conducting business at all meetings. The Tribal Council may vote by voice, but at the discretion of the Chairman, or upon request by one or more members, a secret vote shall be taken.

SEC. 5. The Tribal Council shall decide all business matters by a majority vote of those present at a duly constituted meeting.

ARTICLE XIV — ADOPTION

This Constitution, when adopted by a majority vote of the qualified voters of the Cocopah Tribe of the Cocopah Reservation, voting at a special election called by the Secretary of the Interior, in which at least thirty (30) percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior, for approval, and shall be effective from the date of such approval.

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CERTIFICATION OF ADOPTION

Pursuant to an order approved July 24, 1964, by the Assistant Secretary of the Interior, the attached Constitution of the Cocopah Tribe was submitted for ratification to the qualified voters of the reservation, and was on October 8, 1964, duly adopted by a vote of 16 for, and 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

LOUIS S. SAN DIEGO
Chairman, Cocopah Tribal Council

HOMER M. GILLILAND
Superintendent,Colorado
River Agency

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APPROVAL

I, JOHN A. CARVER, JR., Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution of the Cocopah Tribe, Somerton, Arizona.

Approval recommended:

JAMES E. OFFICER
October 29, 1964
Associate Commissioner
Bureau of Indian Affairs

JOHN A. CARVER, JR.
Assistant Secretary of the Interior

[SEAL]

Washington, D.C.

Date: Nov. 16, 1964.

CORPORATE CHARTER OF THE HAVASUPAI TRIBE OF THE HAVASUPAI RESERVATION, ARIZONA

Approved August 14, 1946

Whereas, the Havasupai Tribe of the Havasupai Reservation, Arizona, is a recognized Indian tribe organized under a Constitution and By-laws ratified by the tribe on January 13, 1939, and approved by the Secretary of the Interior on March 27,1939, pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to said Tribe, subject to ratification by a vote of the adult Indians living on the Havasupai Reservation;

Now, therefore, I, Oscar L. Chapman, Acting Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Havasupai Tribe of the Havasupai Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the Havasupai Reservation at an election in which at least 30 per cent of the eligible voters shall vote.

1. Corporate Existence and Purposes. In order to further the economic development of the Havasupai Tribe of the Havasupai Reservation in Arizona by conferring upon the said Tribe certain corporate rights, powers, privileges, and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Havasupai Tribe of the Havasupai Reservation".

2. Perpetual Succession. The Havasupai Tribe of the Havasupai Reservation shall, as a Federal corporation, have perpetual succession.

3. Membership. The Havasupai Tribe of the Havasupai Reservation shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved constitution and by-laws.

4. Management. The Havasupai Tribal Council established in accordance with the said constitution and by-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the constitution and by-laws of the said Tribe, shall have the following corporate powers in addition to all powers already conferred or guaranteed by the tribal constitution and by-laws.

(a) To adopt, use and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest or otherwise, own, hold, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land, or interest in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Tribe within the boundaries of the Havasupai Reservation.

(2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Havasupai Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Tribe) or timber sales contracts covering any land or interests in land now or hereafter held by the Tribe within in the boundaries of the Havasupai Reservation shall be made by the Tribe for a longer term than ten years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(4) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Havasupai Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to the regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any lease, permit, or tirber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violations of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe; Provided, That the amount of indebtedness to which the Tribe may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed $2,000, except with the express approval of the Secretary of the Interior.

(d) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(e) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Arizona, including agreements with the State of Arizona for the rendition of public services: Provided, That any contract involving payment of money by the corporation of a value in excess of $5,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(f) To pledge or assign chattels or future tribal income due or to become due to the Tribe: Provided, That such agreements of pledge or assignment or extensions thereof other than an agreement with the United States, shall not extend more than ten years from the date of execution and shall not cover more than one-half the net tribal income from any one source in any one year: And provided further, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(h) To sue and be sued in any courts of competent jurisdiction within the United States; but the grant of exercise of such power to sue and to be sued shall not be deemed a consent by said Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels especially pledged or assigned.

(i) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Corporate Property. No property rights of the Havasupai Tribe of the Havasupai Reservation, as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unalloted lands, whether or not assigned to the use of any particular individuals is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owner's consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

7. Corporate Dividends. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may use all profits of corporate enterprises or income, over and above sums necessary to defray corporate operations and over and above all sums which may be devoted to the establishment of a reserve fund, for public purposes of the Tribe, including the construction of public works, the cost of public enterprises, the expense of tribal government, the needs of charity and the making of loans to members of the Tribe but no general distribution per capita of such profits or income shall be made.

8. Amendments. This Charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Tribal Council which if approved by the Secretary of the Interior, to be effective, shall be ratified by a majority vote of the adult members living on the Reservation at a popular referendum in which at least thirty percent of the eligible voters vote.

9. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Havasupai Tribe of the Havasupai Reservation living on the Reservation, provided that at least thirty per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Truxton Canon Agency and the Chairman of the Tribal Council of the Havasupai Tribe of the Havasupai Reservation.

Submitted by the Acting Secretary of the Interior for ratification by the Havasupai Tribe of the Havasupai Reservation.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[SEAL]

Washington, D.C., August 14, 1946.

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CERTIFICATION

Pursuant to an order, approved August 14, 1946, by the Acting Secretary of the Interior, the attached Charter for the Havasupai Tribe of the Havasupai Reservation, Arizona, was submitted for ratification to the qualified members of the Havasupai Tribe and on October 5, 1946, was duly ratified by a vote of 24 for, and 21 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 17 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

WEST SINYELLA,
Chairman, Havasupai Tribal Council.

REED WATAHOMIGIE,
Secretary, Havasupai Tribal Council.

THOMAS H. DODGE,
Superintendent, Truxton Canon Agency.

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CONSTITUTION AND BY-LAWS OF THE HAVASUPAI TRIBE

OF THE HAVASUPAI RESERVATION, ARIZONA

Approved March 27, 1939

[Constitution is in the process of being amended, with election to be held soon.]

PREAMBLE

We, the Havasupai Tribe of the Havasupai Reservation, Arizona, in order to build up an independent and self-directing community life; to secure to ourselves and our children all rights guaranteed to us by treaties and by the Statutes of the United States; and to encourage and promote all movements and efforts for the best interests and welfare of our people, do establish this Constitution and By-laws.

ARTICLE I — TERRITORY

The authority of the Havasupai Tribe shall extend to all of the territory within the boundaries of the Havasupai Reservation as established by Executive Orders of June 8 and November 23, 1880, and March 31, 1892, and to all lands which may be acquired for the tribe by the United States, or which the tribe may acquire for itself.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Havasupai Tribe shall consist of all persons of Indian blood whose names appear on the official census roll of the tribe as of January 1, 1938, and

(a) All children born to any member after January 1, 1938, who are three-fourths or more Indian blood.

SEC. 2. The Tribal Council shall have the power to pass ordinances, subject to the approval of the approval of the Secretary of the Interior, covering future membership and the adoption of new members, except that no person shall be adopted into the tribe who has not resided upon the reservation for a probationary period of 5 years.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Havasupai Tribe shall be known as the Havasupai Tribal Council and shall consist of four regular councilmen, and three recognized hereditary chiefs of the tribe, who shall be selected by the remaining subchiefs of the tribe. Each of the chiefs, as regular members of the Council, shall continue his duties as councilman until death or resignation, at which time a new chief shall be selected by the subchiefs. Each chief shall have the same voting power as any other councilman. Any member of the Council, not a chief, may be subject to recall if he fails to fulfill his duties as a councilman.

SEC. 2. The members of the Havasupai Tribal Council shall be qualified voters of the reservation, 35 years of age or over.

SEC. 3. Immediately after the first election of councilmen and section of chiefs under this Constitution, the newly elected Tribal Council shall meet and organize by electing from their own membership, a chairman and vice-chairman, and from within or without their own membership, a secretary and a treasurer.

SEC. 4. As soon as the Havasupai Tribal Council shall organize after the first election, the four councilmen elected at large for the reservation shall determine by lot two of its members to serve until the first annual election and two of its members to serve until the second annual election. Thereafter, the successors shall be elected to serve for two years.

ARTICLE IV — NOMINATIONS AND ELECTIONS

SECTION 1. The first election of the Havasupai Tribal Council shall be held within 30 days after the adoption and approval of this Constitution, and shall be called and supervised by the present Tribal Council in co-operation with the Superintendent of the reservation.

SEC. 2. The Havasupai Tribal Council, or an election board appointed by the Council, shall provide dules governing all elections and shall designate polling places and election officials.

SEC. 3. Enrolled members of the Tribe who are 21 years of age or over shall have the right to vote.

SEC. 4. Beginning with 1939, elections shall be held annually in December on a day to be selected by the Havasupai Tribal Council, at least 20 days before the election.

SEC. 5. Any qualified person may become a candidate for the Havasupai Tribal Council by presenting his name to the Secretary of the Council, or by having his name on a petition signed by five qualified voters at least ten days before the election in either case. The Secretary shall post the names of all candidates in one or more public places at least seven days before the election.

SEC. 6. If a vacancy occurs in the Havasupai Tribal Council, it shall be filled by the Council by appointment of a qualified member of the Tribe to serve until the next annual election.

SEC. 7. The Havasupai Tribe shall have the power to recall any member of the Council, not a chief, by filing a petition with the Council, signed by at least 50 per cent of the qualified voters, asking for the removal of said member of the Council, subject to the decision of the tribe at a special election which shall be held within thirty days after the filing of the petition.

ARTICLE V — POWERS OF THE TRIBAL COUNCIL

SECTION 1. The Havasupai Tribal Council shall have the following powers, subject to referendum as provided:

(a) To negotiate with the Federal, State, and local governments.

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To veto the sale, disposition, lease or encumbrance of tribal lands, interests in lands, tribal funds, or other tribal assets.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Havasupai Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all tribal economic affairs and enterprises of the Havasupai Tribe in accordance with the terms of a charter that may be issued to the Havasupai Tribe by the Secretary of the Interior.

(f) To enact and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Havasupai Tribe; providing for the manner of making, holding, and revoking assignments of tribal lands or interests therein; providing for the levying of taxes and the appropriation of available funds for public purposes; providing for the licensing of nonmembers coming upon the reservation for the purpose of hunting, fishing, trading, or other business, and for the exclusion from the territory of the Havasupai Tribe of persons not so licensed; providing for the establishment of proper agencies for law enforcement; providing for the regulation of domestic relations; and providing for the removal or exclusion from the reservation of any nonmember whose presence may be injurious to the people of the Reservation.

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the Havasupai Tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(h) To adopt resolutions not inconsistent with this Constitution and the attached By-laws, regulating the procedure of the Tribal Council itself and of other tribal agencies, tribal officials, or tribal organizations.

SEC. 2. The Havasupai Tribal Council may exercise such further powers as may in the future be delegated to it by the Secretary of the Interior or by any other duly authorized official or agency of government, and may exercise any rights and powers heretofore vested in the Havasupai Tribe but not expressly referred to in this Constitution.

SEC. 3. Manner of Review.--Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation who shall, within ten days thereafter, approve or disapprove the same.

If he approves any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior who may, within 90 days from date of enactment, rescind the said ordinance or resolution for any cause by notifying the Tribal Council of his action.

If the Superintendent refuses any ordinance or resolution submitted to him within ten days after its enactment, he shall advise the Tribal Council of his reasons. The

Council may by a majority vote refer the ordinance or resolution to the Secretary of the Interior who may, within 90 days from its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VI — REFERENDUM

Upon a petition signed by at least 50 per cent of the eligible voters of the Havasupai Tribe, demanding a referendum on any proposed or enacted ordinance or resolution, the Tribal Council shall call an election at which a majority of those voting shall approve or disapprove the ordinance or resolution in question.

ARTICLE VII — LAND

The general control of reservation lands and other tribal property shall continue as in the past, until changed in any particular by ordinance of the Tribal Council. The Tribal Council shall have the power to enact ordinances and prescribe forms,which shall be subject to review by the Secretary of the Interior, providing for the assignment of unused lands or the reassignment of any unused assignments which have been idle for two or more years. No assignments of land may be made so long as the original assignee or his heirs shall reside on the land unless he shall voluntarily release the land to the tribe. The Tribal Council shall decide by ordinance what shall constitute an economic unit for assignment and proper terms for the leasing of tribal lands; all actions of the Council with respect to such lands shall be in conformity with departmental regulations for the protection of Indian ranges and timber resources.

ARTICLE VIII — AMENDMENTS

Amendments to this Constitution may be proposed by a majority vote of the Havasupai Tribal Council and may be ratified and approved in the same manner as this Constitution and By-laws.

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BY-LAWS OF THE HAVASUPAI TRIBE OF THE HAVASUPAI RESERVATION

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The Chairman shall preside over all meetings of the Tribal Council and general meetings of the tribe, shall perform the usual duties of a chairman, and exercise any authority delegated to him by the Council.

SEC. 2. The Vice-Chairman shall assist the Chairman when called upon to do so and in the absence of the Chairman he shall preside. When so presiding, he shall have all the rights, privileges and duties as well as the responsibilities of the Chairman.

SEC. 3. The Secretary shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at the Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction, and the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the Tribal Council.

SEC. 4. The Treasurer shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Tribal Council. He shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody, at such times as requested by the Tribal Council.

He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Council. The Treasurer shall be required to give a bond satisfactory to the Tribal Council and to the Commissioner of Indian Affairs. Until the Treasurer is bonded, the Tribal Council may make such provision for the custody and disbursements of funds as shall guarantee their safety and proper disoursement and use.

ARTICLE II — MEETINGS OF THE COUNCIL

SECTION 1. The Tribal Council shall hold regular meetings at Supai, Arizona, on the second Saturday of each month at such hour and place as may be designated by the Chairman. Special meetings may be called by the Chairman or any three members of the Council. All councilmen shall be notified by at least 24 hours before the time of such meeting.

SEC. 2. Four members shall constitute a quorum of the Tribal Council at its regular or special meetings in order to carry on business.

SEC. 3. A general tribal meeting shall be held once a year at the time of the election of the councilmen. At this meeting the Tribal Council shall make a report of its work during the year just passed, and may take up any other matters of interest to the tribe.

ARTICLE III — ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the qualified voters of the Havasupai Tribe of the Havasupai Reservation, voting at a special election called by the Secretary of the Interior, in which at least 30 per cent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 15, 1938, by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the qualified voters of the Havasupai Tribe, and was on January 13, 1939, duly adopted by a majority vote of the Indians voting in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

ARTHUR KASKA,
Chairman, Havasupai Tribal Council.

JOHN O. CROW,
Acting Superintendent,
Truxton Canon Agency.

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APPROVAL

I, Oscar L. Chapman, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Havasupai Tribe of the Havasupai Reservation in Arizona.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws, are hereby declared inapplicable to the Havasupai Tribe of the Havasupai Reservation in Arizona.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended March 17, 1939.

F. H. DAIKER,
Acting Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

Washington, D.C., March 27, 1939.

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CONSTITUTION AND BY-LAWS OF THE HOPI TRIBE OF ARIZONA

Approved December 19, 1936

PREAMBLE

This Constitution, to be known as the Constitution and By-laws of the Hopi Tribe, is adopted by the self-governing Hopi and Tewa villages of Arizona to provide a way of working together for peace and agreement between the villages, and of preserving the good things of Hopi life, and to provide a way of organizing to deal with modern problems, with the United States Government and with the outside world generally.

ARTICLE I — JURISDICTION

The authority of the Tribe under this Constitution shall cover the Hopi villages and such land as shall be determined by the Hopi Tribal Council in agreement with the United States Government and the Navajo Tribe, and such lands as may be added thereto in the future. The Hopi Tribal Council is hereby authorized to negotiate with the proper officials to reach such agreement, and to accept it by a majority vote.

ARTICLE II — MEMBERSHIP

SECTION 1. Membership in the Hopi Tribe shall be as follows:

(a) All persons whose names appear on the census roll of the Hopi Tribe as of January 1st, 1936, but within one year from the time that this Constitution takes effect corrections may be made in the roll by the Hopi Tribal Council with the approval of the Secretary of the Interior.

(b) All children born after January 1, 1936, whose father and mother are both members of the Hopi Tribe.

(c) All children born after January 1, 1936, whose mother is a member of the Hopi Tribe, and whose father is a member of some other tribe.

(d) All persons adopted into the Tribe as provided in Section 2.

SEC. 2. Non-members of one-fourth degree of Indian blood or more, who are married to members of the Hopi Tribe, and adult persons of one-fourth degree of Indian blood or more whose fathers are members of the Hopi Tribe, may be adopted in the following manner: Such person may apply to the Kikmongwi of the village to which he is to belong, for acceptance. According to the way of doing established in that village, the Kikmongwi may accept him, and shall tell the Tribal Council. The Council may then by a majority vote have that person's name put on the roll of the Tribe, but before he is enrolled he must officially give up membership in any other tribe.

SEC. 3. Resident members shall be those who actually live in the Hopi jurisdiction and who have been living therein for not less than six months. Only resident members of twenty-one years of age or over shall be qualified to vote in any election or referendum. Any adult member who is away from the jurisdiction for six months continuously, shall cease to be a resident member until he has again lived in the jurisdiction for the necessary time.

ARTICLE III — ORGANIZATION

SECTION 1. The Hopi Tribe is a union of self-governing villages sharing common interests and working for the common welfare of all. It consists of the following recognized villages:

First Mesa (consolidated villages of Walpi, Shitchumovi, and Tewa).
Mishongnovi.
Sipaulavi.
Shungopavi.
Oraibi.
Kyakotsmovi.
Bakabi.
Hotevilla.
Moenkopi.

SEC. 2. The following powers which the Tribe now has under existing law or which have been given by the Act of June 18, 1934, (48 Stat. 984) and acts amendatory thereof or supplemental thereto, are reserved to the individual villages:

(a) To appoint guardians for orphan children and incompetent members.

(b) To adjust family disputes and regulate family relations of members of the villages.

(c) To regulate the inheritance of property of the members of the villages.

(d) To assign farming land, subject to the provisions of Article VII.

SEC. 3. Each village shall decide for itself how it shall be organized. Until a village shall decide to organize in another manner, it shall be considered as being under the traditional Hopi organization, and the Kikmongwi of such village shall be recognized as its leader.

SEC. 4. Any village which does not possess the traditional Hopi self-government, or which wishes to make a change in that government or add something to it, may adopt a village Constitution in the following manner: A Constitution, consistent with this Constitution and By-laws, shall be drawn up, and made known to all the voting members of such village, and a copy shall be given to the Superintendent of the Hopi jurisdiction. Upon the request of the Kikmongwi of such village, or of 25% of the voting members thereof, for an election on such Constitution, the Superintendent shall make sure that all members have had ample opportunity to study the proposed Constitution. He shall then call a special meeting of the voting members of such village, for the purpose of voting on the adoption of the proposed Constitution, and shall see that there is a fair vote. If at such referendum, not less than half of the voting members of the village cast their votes, and if a majority of those voting accepts the proposed Constitution, it shall then become the Constitution of that village, and only officials chosen according to its provisions shall be recognized.

The village Constitution shall clearly say how the Council representatives and other village officials shall be chosen, as well as the official who shall perform the duties placed upon the Kikmongwi in this Constitution. Such village Constitution may be amended or abolished in the same manner as provided for its adoption.

ARTICLE IV — THE TRIBAL COUNCIL

SECTION 1. The Hopi Tribal Council shall consist of representatives from the various villages. The number of representatives from each village shall be determined according to its population, as follows: villages of 50 to 250 population, one representative; villages of 251 to 500 population, two representatives; villages of 501 to 750 population, three representatives; villages of over 750 population, four representatives.

The representation in the first Tribal Council shall be as follows:

First Mesa	4
Mishongnovi	2
Sipaulavi	1
Shungopavi	2
Oraibi	1
Kyakotsmovi	2
Bakabi	1
Hotevilla	2
Moenkopi	2

SEC. 2. Representatives shall serve for a term of one year, and may serve any number of terms in succession.

SEC. 3. Each representative must be a member of the village which he represents. He must be twenty-five years or more of age, and must have lived in the Hopi jurisdiction for not less than two years before taking office, and must be able to speak the Hopi language fluently.

SEC. 4. Each village shall decide for itself how it shall choose its representatives, subject to the provisions of Section 5. Representatives shall be recognized by the Council only if they are certified by the Kikmongwi of their respective villages. Certifications may be made in writing or in person.

SEC. 5. One representative of the village of Moenkopi shall be selected from the Lower District, and certified by the Kikmongwi of Moenkopi, and one representative shall be selected by the Upper District, and certified by the official whom that District may appoint, or who may be specified in a village Constitution adopted under the provisions of Article III, Section 4. This section may be repealed, with the consent of the Tribal Council, by vote of a two-thirds majority at a meeting of the voting members of Moenkopi village called and held subject to the provisions of Article III, Section 4.

SEC. 6. No business shall be done unless at least a majority of the members are present.

SEC. 7. The Tribal Council shall choose from its own members a Chairman and Vice-Chairman, and from the Council or from other members of the Tribe, a Secretary, Treasurer, Sergeant-at-Arms, and interpreters, and such other officers and committees as it may think necessary, subject to the provisions of the By-laws, Article I.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. Any representative or other officer found guilty in a tribal or other court of a misdemeanor involving dishonesty, or a felony, or of drunkenness, shall be automatically removed from office, and the Council shall refuse to recognize him.

SEC. 2. Any officer or representative may be removed from office for serious neglect of duty, by a vote of not less than two-thirds of the Council, after the officer to be so removed has been given full opportunity to hear the charges against him and to defend himself before the Council.

SEC. 3. Vacancies occurring for any reason among the representatives shall be filled for the rest of the term by the village concerned, in the same manner as a representative from that village is ordinarily chosen.

Vacancies occurring for any reason among the officers appointed by the Council shall be filled by the Council.

ARTICLE VI — POWERS OF THE TRIBAL COUNCIL

SECTION 1. The Hopi Tribal Council shall have the following powers which the tribe now has under existing law or which have been given to the Tribe by the Act of June 18, 1934. The Tribal Council shall exercise these powers subject to the terms of this Constitution and to the Constitution and Statutes of the United States.

(a) To represent and speak for the Hopi Tribe in all matters for the welfare of the Tribe, and to negotiate with the Federal, State, and local governments, and with the councils or governments of other tribes.

(b) To employ lawyers, the choice of lawyers and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To prevent the sale, disposition, lease or encumbrance of tribal lands, or other tribal property.

(d) To advise with the Secretary of the Interior and other governmental agencies upon all appropriation estimates or Federal projects for the benefit of the Tribe, before the submission of such estimates to the Bureau of the Budget or to Congress.

(e) To raise and take care of a tribal council fund by accepting grants or gifts from any person, State, or the United States Government, or by charging persons doing business within the Reservation reasonable license fees, subject to the approval of the Secretary of the Interior.

(f) To use such tribal council fund for the welfare of the Tribe, and for salaries or authorized expenses of tribal officers. All payments from the tribal council fund shall be a matter of public record at all times.

(g) To make ordinances, subject to the approval of the Secretary of the Interior, to protect the peace and welfare of the Tribe, and to set up courts for the settlement of claims and disputes, and for the trial and punishment of Indians within the jurisdiction charged with offenses against such ordinances.

(h) To act as a court to hear and settle claims or disputes between villages in the manner provided in Article VIII.

(i) To provide by ordinance, subject to the approval of the Secretary of the Interior, for removal or exclusion from the jurisdiction of any non-members whose presence may be harmful to the members of the Tribe.

(j) To regulate the activities of voluntary cooperative associations of members of the Tribe for business purposes.

(k) To protect the arts, crafts, traditions, and ceremonies of the Hopi Indians.

(l) To delegate any of the powers of the council to committees or officers, keeping the right to review any action taken.

(m) To request a charter of incorporation to be issued as provided in the Act of June 18, 1934.

(n) To adopt resolutions providing the way in which the Tribal Council itself shall do its business.

SEC. 2. Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be given to the Superintendent of the jurisdiction, who shall, within ten days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall send a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety days from the date of enactment, veto said ordinance or resolution for any reason by notifying the Tribal Council of his decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within ten days after enactment, he shall report his reasons to the Tribal Council. If the Tribal Council thinks these reasons are not sufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. The Hopi Tribal Council may exercise such further powers as may in the future be delegated to it by the members of the Tribe or by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal Government.

SEC. 4. Any rights and powers which the Hopi Tribe of Indians now have, but which are not expressly mentioned in this Constitution, shall not be lost or limited by this article, but may be exercised by the members of the Hopi Tribe of Indians through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VII — LAND

SECTION 1. Assignment of use of farming land within the traditional clan holdings of the villages of First Mesa, Mishongnovi, Sipaulavi, and Shungopavi, and within the established village holdings of the villages of Kyakotsmovi, Bakabi, Oraibi, Hotevilla, and Moenkopi, as in effect at the time of approval of this Constitution, shall be made by each village according to its established custom, or such rules as it may lay down under a village Constitution adopted according to the provisions of Article III, Section 4. Unoccupied land beyond the clan and village holdings mentioned shall be open to the use of any member of the Tribe, under the supervision of the Tribal Council. Nothing in this article shall permit depriving a member of the Tribe of farming land actually occupied and beneficially used by him at the time of approval of this Constitution, but where an individual is occupying or using land which belongs to another by agreement with the owner, that land shall continue to belong to that owner.

SEC. 2. In order to improve and preserve the range, range land shall be supervised by the Tribal Council in cooperation with the various United States Government agencies.

SEC. 3. All springs shall be considered the property of the Tribe, and no individual or group of individuals shall be allowed to prevent the reasonable use of any spring by members of the Tribe generally, but the individual who develops a spring, or on whose land it is, shall have the first use of it.

SEC. 4. The Administration of this article shall be subject to the provisions of Section 6 of the Act of June 18, 1934.

ARTICLE VIII — DISPUTES BETWEEN VILLAGES

SECTION 1. When a dispute arises between villages over any matter, the Kikmongwi of any village party to the dispute may inform the Chairman of the Tribal Council of the nature of the dispute, and ask him to call a special meeting of the Council to settle the matter.

The Chairman shall thereupon call a special meeting of the Council, to be held on the eighth day from the day of such request, at which meeting he, and the Council representatives or other persons chosen by each village party to the dispute to speak for it before the Council, may summon all witnesses having evidence to give in the matter, and may examine them.

When the Council has heard all the evidence and examined the witnesses to its satisfaction, it shall hold a secret meeting which shall not be attended by the representatives of the villages party to the dispute, and after full and careful consideration and discussion, shall vote on a decision. Such decision shall become effective when it is carried by a majority of the Council members present. The Council shall keep a record of the evidence and the reasons for its decision.

SEC. 2. If both the Chairman and the Vice-Chairman are representatives of villages party to the dispute, the Council shall elect a temporary Chairman to serve for the duration of the trial.

SEC. 3. If any village party to the dispute feels that the decision of the Council in such case is unjust, the Kikmongwi of that village may notify the Superintendent within ten days, and the decision of the Council shall then be subject to review by the Secretary of the Interior, within ninety days thereafter, in the manner provided in Article VI, Section 2.

ARTICLE IX — BILL OF RIGHTS

SECTION 1. All resident members of the Tribe shall be given equal opportunities to share in the economic resources and activities of the jurisdiction.

SEC. 2. All members of the Tribe shall be free to worship in their own way, to speak and write their opinion, and to meet together.

ARTICLE X — AMENDMENT

Any representative may propose an amendment tothis Constitution and By-laws at any meeting of the Council. Such proposed amendment may be discussed at that meeting, but no vote shall be taken on it until the next following meeting of the Council. If the Council shall then approve such proposed amendment by a majority vote, it shall request the Secretary of the Interior to call a referendum for accepting or rejecting such amendment. It shall then be the duty of the Secretary of the Interior to call such referendum, at which the proposed amendment may be adopted subject to the Secretary's approval, in the same manner as provided for the adoption and approval of this Constitution and By-laws.

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BY-LAWS OF THE HOPI TRIBE

ARTICLE I — DUTIES AND QUALIFICATIONS OF OFFICERS

SECTION 1. The Chairman shall preside over all meetings of the Tribal Council. He shall perform all duties of a Chairman fairly and impartially, and exercise any authority delegated to him by the Council. He shall vote only in case of a tie.

SEC. 2. The Vice-Chairman shall help the Chairman in his duties when called upon to do so, and in the absence of the Chairman shall act as Chairman with all the attendant powers and duties.

SEC. 3. The representatives shall perform the duties of the Council, set forth in this Constitution and By-laws. They shall inform the people of their villages of the matters discussed and the actions taken, and they shall fairly and truly represent the people of their villages.

SEC. 4. The Secretary shall write all tribal correspondence, as authorized by the Council, and shall keep an accurate record of all action of regular and special meetings of the Council. He shall keep a copy of such records in good order and available to the general public and shall send another copy of them, following each meeting of the Council, to the Superintendent of the jurisdiction. He shall have a vote in the Council only if he is a regular representative.

The Secretary must be a resident member of the Hopi Tribe, and must be able to speak the Hopi language fluently, and to read and write English well.

SEC. 5. The Treasurer shall receive, receipt for, and take care of all funds in the custody of the Council, and deposit them in a bank or elsewhere as directed by the Council. He shall make payments therefrom only when authorized by a resolution of the Council, and in the manner authorized. He shall keep a faithful record of such funds, and shall report fully on receipts, payments, and amounts in hand at all regular meetings of the Council and whenever requested to do so by the Council. His accounts shall be open to public inspection.

He shall have a vote in the Council only if he is a regular representative.

The Treasurer may be required by the Council to give a bond satisfactory to the

Council and to the Commissioner of Indian Affairs.

The Treasurer must be a resident member of the Hopi Tribe, and must be able to speak the Hopi language fluently and to read and write English well.

SEC. 6. The interpreters or interpreters shall be resident members of the Hopi Tribe, and shall be able to interpret fluently and accurately in the Hopi, English, and Navajo languages, and shall do so whenever requested by the Council. Interpreters shall have a vote in the Council only when they are regular representatives.

SEC. 7. The Sergeant-at-Arms, at the orders of the Chairman, shall enforce order in the Council, and shall summon all persons required to appear before the Council, and deliver notices of special meetings, and perform such other duties as may be required of him by the Council.

The Sergeant-at-Arms shall be a resident member of the Hopi Tribe, and must be able to speak Hopi fluently, and to speak English.

SEC. 8. The qualifications and duties of all committees and officers appointed by the Council shall be clearly defined by resolution of the Tribal Council at the time the positions are created. Such committees or officers shall report to the Council whenever required.

ARTICLE II — MEETINGS OF THE COUNCIL

SECTION 1. Regular meetings of the Tribal Council shall be held on the first day of December, March, June, and September, at such place as shall be determined by the Council.

SEC. 2. Within sixteen days after this Constitution goes into effect, the villages shall choose their representatives for the first term of one year, and on the sixteenth day of the first meeting of the Council shall be held at Oraibi Day School.

SEC. 3. Special meetings of the Council shall be called by the Chairman in his discretion or at the request of four representatives, or in the case of a dispute between villages, as provided in Article VIII of the Constitution. Notice of special meeting shall be delivered to each representative not less than eight days before such meeting, together with a statement of the business to be discussed thereat.

SEC. 4. All members of the Hopi Tribe may attend any meeting of the Council, but they may not speak, except by invitation of the Council. Non-members may be invited by the Council to attend any meeting and to address it.

SEC. 5. The Council may employ, or may request the Superintendent of the jurisdiction to furnish, a clerk trained in shorthand, to take down verbatim minutes of any meeting.

SEC. 6. When the Council desires advice of, or consultation with, any officer of the Federal Government, it may invite him to attend any meeting and may give him the privilege of the floor.

ARTICLE III — ORDINANCES AND RESOLUTIONS

All ordinances and resolutions shall be recorded and available at all times for the information and education of the Tribe. Copies of all ordinances shall be posted from time to time in a public place in each village.

ARTICLE IV — EAGLE HUNTING TERRITORIES AND SHRINES

The Tribal Council shall negotiate with the United States Government agencies concerned, and with other tribes and other persons concerned, in order to secure protection of the right of the Hopi Tribe to hunt for eagles in its traditional territories, and to secure adequate protection for its outlying, established shrines

ARTICLE V — ALL-PUEBLO COUNCIL

The Tribal Council may appoint delegates to speak for the Tribe at the All-Pueblo Council, and to report to the Council and the Tribe on all proceedings thereof.

ARTICLE VI — ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when ratified by a majority vote of the adult members of the Hopi Tribe voting at a referendum called for the purpose by the Secretary of the Interior, provided that at least thirty percent of those entitled to vote shall vote at such referendum, shall be submitted to the Secretary of the Interior, and if approved, shall take effect from the date of approval.

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved September 30, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the Hopi Tribe residing on the Hopi Reservation, and was on October 24, 1936, duly adopted by a vote of 651 for, and 104 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

GEORGE COOCHISE,
Chairman of Election Board.

ALBERT YAVA,
Secretary of Election Board.

A. G. HUTTON, Superintendent.

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APPROVAL

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Hopi Tribe.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the pro visions of the said Constitution and By-laws are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended December 14, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

Washington, D.C., December 19, 1936.

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[The Hopi Tribe does not operate under a Federal Charter.]

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AMENDED CORPORATE CHARTER OF THE HUALAPAI TRIBE OF THE HUALAPAI RESERVATION, ARIZONA

Ratified October 22, 1955

Whereas, the Hualapai Tribal Council as expressed in its Resolution No. 18-55 which was adopted on April 4, 1955, deems it desirable to propose certain amendments to the Corporate Charter of the Hualapai Tribe of the Hualapai Reservation, Arizona, which was issued to the Tribe by Assistant Secretary of the Interior Oscar L. Chapman on April 24, 1943, by virtue of the authority conferred upon him by the act of June 18, 1934 (48 Stat. 984), and which was subsequently ratified by the qualified members of the Tribe on June 5, 1943, by a vote of 87 for, and 10 against, in an election in which over thirty percent of the tribal members entitled to vote cast their ballots.

Now, therefore, I, ORME LEWIS, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said act of June 18, 1934, supra, and in accordance with Section 8 of the Corporate Charter which was ratified by the Hualapai Tribe on June 5, 1943, do hereby present the following amended Corporate Charter which I have approved for ratification by a majority vote of the adult members living on the Hualapai Reservation at an election in which at least thirty percent of the eligible voters vote. This amended Corporate Charter shall be effective from and after such time as it shall be ratified by the Tribe as herein provided.

1. Corporate Existence and Purpose. In order to further the economic well-being and independence of the Hualapai Tribe and its members by giving to the Tribe certain corporate rights, powers, privileges and exemptions the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name, "Hualapai Tribe."

2. Duration. The Hualapai Tribe shall as a Federal corporation have indefinite duration.

3. Membership. The Hualapai Tribe shall be a membership corporation consisting of all members now or hereafter recognized as members of the Tribe, as provided for in Article III of the Constitution. No person, except as provided in Article III of the Constitution, shall become a member of the Corporation.

4. Management. The Tribal Council of the Hualapai Tribe, established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and the laws of the United States or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers in addition to all the powers already conferred or guaranteed by the Tribal Constitution and By-laws.

(a) To adopt, use and alter a corporate seal.

(b) To purchase, take by gift, bequest or otherwise, own, hold, manage, operate, grant or lease, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land, interest in land, including water power sites, water rights, oil, gas and other mineral rights now or hereafter held by the Tribe.

(2) No leases, permits (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe, within the boundaries of the Hualapai Reservation, shall be made by the Tribe for a longer term than is permitted by law.

(3) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber or natural resources of the Hualapai Reservation. All leases, permits and timber sale contracts relating to the use of tribal grazing and timber lands must conform to regulations of the Secretary of the Interior, authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management and other matters therein specified.

(c) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other sources, and to use such funds directly for productive tribal enterprises or to loan money thus borrowed to individual members or associations of members of the Tribe, provided that the amount of indebtedness to which the Tribe may subject itself shall not exceed $50,000, except with the express approval of the Secretary of the Interior or his authorized representative.

(d) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(e) To make and perform contracts and agreements of every description, not inconsistent with law or the provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Arizona, for rendition of public services, provided that any contract involving payment of money or delivery of property by the corporation of a value in excess of $50,000, in any one fiscal year, shall be subject to approval of the Secretary of the Interior or his duly authorized representative.

(f) To pledge or assign chattels or future tribal income due or to become due to the Tribe provided that such agreements of pledge or assignment or extensions thereof other than agreement with the United States, shall not extend more than 10 years from the date of execution and shall not cover more than one-half the total net tribal income in any one fiscal year, and provided further that no agreement shall be made to borrow in excess of $50,000 except with the express approval of the Secretary of the Interior or his authorized representative.

(g) To deposit corporate funds, without limitation on the amount in any account, in any national or state bank whose deposits are insured by any agency of the Federal Government; Provided, that funds advanced from the Indian credit fund or from funds of the Tribe held in trust in the United States Treasury shall be deposited with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior or his authorized representative in connection with such advance require that the advance be so deposited.

(h) To sue and be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and be sued shall not be deemed a consent by the said Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels especially pledged or assigned.

(i) To exercise such further incidental powers not inconsistent with law as may be necessary to the conduct of corporate business.

6. Corporate Property. No property rights of the Hualapai Tribe, as heretofore constituted, shall be in any way impaired by anything contained in this charter, and the tribal ownership of lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually-owned property of members of the Tribe shall not be subject to any corporate debts or liabilities.

7. Corporate Income. The Tribe may use all profits of corporate enterprises or income, over and above sums necessary to defray corporate operations and over and above all sums which may be devoted to the establishment of a reserve fund, for public purposes of the Tribe, including the construction of public works, the cost of public enterprises, the expense of tribal government, the needs of charity and the making of loans to members of the Tribe, but no general distribution per capita of such profits or income shall be made other than any money that may be recovered on tribal claims against the Government.

8. Corporate Accounts. The Tribe shall maintain accurate and complete accounts of the financial affairs of the Tribe and shall furnish an annual balance sheet and report of the financial affairs of the Tribe through the Tribal Council at a general meeting of the Tribe.

9. Amendments. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolution of the Tribal Council, which, if approved by the Secretary of the Interior, to be effective, shall be ratified by a majority vote of the adult members living on the reservation at an election in which at least thirty percent of the eligible voters vote.

10. Ratification. This revised charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Hualapai Tribe, provided at least thirty percent of the eligible voters shall vote, such ratification to be formally certified by the administrative officer in charge of the Hualapai Reservation and the Chairman of the Hualapai Tribal Council.

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APPROVAL

The amended Corporate Charter of the Hualapai Tribe is herewith approved and submitted for ratification by the adult members of the Tribe living on the Hualapai Reservation in accordance with Section 8 of the Charter and pursuant to the authority vested in the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984).

Approval Recommended:

W. BARTON GREENWOOD
Acting Commissioner of Indian Affairs.

ORME LEWIS
Assistant Secretary of the Interior.

Washington, D.C., August 23, 1955.

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CERTIFICATION OF RATIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), the foregoing amended Corporate Charter issued on August 23, 1955, by the Assistant Secretary of the Interior to the Hualapai Tribe of the State of Arizona, was duly submitted for ratification to the adult members of the Tribe and was on October 22, 1955; ratified by a vote of 83 for, and 19 against, in an election in which at least 30 percent of those entitled to vote cast their ballots.

RUPERT PARKER
President, Hualapai Tribal Council

MARJORIE QUERTA
Secretary, Hualapai Tribal Council

AUSTIN F. LADD
Administrative Officer in Charge,
Hualapai Reservation.

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AMENDED CONSTITUTION AND BY-LAWS OF THE HUALAPAI TRIBE OF THE HUALAPAI RESERVATION, ARIZONA

Effective October 22, 1955

The Constitution and By-laws of the Hualapai Tribe of the Hualapai Reservation, Arizona, is amended as follows:

PREAMBLE

We, the Hualapai Tribe of the Hualapai Indian Reservation, Arizona, in order to form a representative government, to develop our tribal lands and resources for ourselves and our children, to secure all rights guaranteed to us by treaties and by the Statutes of the United States, do establish this Constitution and By-laws as a guide for the Hualapai Tribe.

ARTICLE I — STATEMENT OF PURPOSE

In our relation to the United States Government, a relation similar to that which a town or a county has to State and Federal Governments, our own internal affairs shall be managed insofar as such management does not conflict with the laws of the United States, by a governing body which shall be known as the Hualapai Tribal Council.

ARTICLE II — TERRITORY

SECTION 1. The authority of the Hualapai Tribe shall extend to all of the territory within the boundaries of the Hualapai Indian Reservation as established by Executive Orders of January 4, 1883, June 2, 1911, and May 29, 1912, and lands which may be reestablished by prior rights and treaties, and to such other lands as the United States may acquire for the benefit of the Tribe or the Tribe may acquire for itself.

ARTICLE III — MEMBERSHIP

SECTION 1. The membership of the Hualapai Tribe shall consist of:

(a) All persons who are members of the Tribe on the date when this revised Constitution is finally approved.

(b) Any child of one-fourth degree or more of Hualapai Indian blood who is born to a resident member after the date this Constitution is approved, and any child of one-fourth degree or more of Hualapai Indian blood born to a non-resident member, after the date this Constitution is approved, provided that a declaration of intention to maintain membership of such non-resident child is submitted to the Hualapai Tribal Council within one year from the date of birth of such child. The method of declaring intention of membership shall be determined by ordinance of the Council.

SEC. 2. The Council shall have the power to pass ordinances, subject to review by the Secretary of the Interior or his authorized representative, governing future membership, loss of membership, and the adoption of members by the Hualapai Tribe.

ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of the Hualapai Tribe shall be known as the Hualapai Tribal Council and shall consist of nine (9) members.

SEC. 2. The first election of councilmen under this revised Constitution shall be held on the next regular election date following the adoption and approval of this revised Constitution and By-laws. In the first election the three (3) candidates receiving the highest number of votes shall hold office for three years. The three (3) candidates receiving the second number of highest votes shall hold office for two years, and three (3) candidates who receive the third highest number of votes shall hold office for a period of one year. In each regular election thereafter, three (3) candidates shall be elected and shall hold office for a term of three years.

SEC. 3. A hereditary chief of the Tribe may be selected by the subchiefs of the various recognized bands. The chief so elected shall serve as a tenth member of the Council and shall have the same duties and privileges as other members of the Council. His term of office shall continue until he may be recalled by the subchiefs, or until his death or voluntary resignation. His successor may be chosen in the same manner.

SEC. 4. A Council Chairman and Vice-Chairman shall be elected from the Council membership by the qualified voters of the Tribe at the regular election meetings following the announcement of results of the election of council members. The officers so elected shall hold such office for a term of two years, except when term of council member is less than two years then the term of the elected officer shall not exceed that of the term as council member. When the term of one of the officers is terminated before he has served two years due to termination of council membership, or for other reasons, his successor will be chosen at the next general tribal meeting by the qualified voters, the person receiving the highest number of votes will fill the vacant position for the unexpired term. Either the Chairman or Vice-Chairman may be reelected to successive terms.

SEC. 5. The Council shall choose a Secretary and a Treasurer from within or without the tribal membership. The Council may also choose such committees from within or without its membership as may be deemed necessary.

SEC. 6. The Council shall have the power to district the Reservation and to apportion the representation, subject to a vote of the people, whenever such action is deemed advisable by the Council.

SEC. 7. Members of the Council shall take office on the first day of the first month after their election.

ARTICLE V — ELECTIONS

SECTION 1. General elections to vote for councilmen shall be held every year on the first Saturday in June. The voting place shall be at Peach Springs, Arizona.

SEC. 2. Special elections shall be held upon call by the Tribal Council as provided in Article IX, and notice of them shall be given as in the case of general or regular elections. In case of special election, the Council shall specify the voting places.

SEC. 3. All elections shall be announced by special notice posted at least thirty days before the election at the voting places and other public places.

SEC. 4. Nominations shall be made at the annual general meeting of the Hualapai Tribe.

SEC. 5. All elections shall be by written ballot. The Council shall have power to prescribe ordinances governing the casting and canvassing of ballots, and other necessary details of election procedures covering election of councilmen and referendum elections. All tribal members, male or female, twenty-one years of age or over, shall be entitled to vote in any election.

ARTICLE VI — POWERS OF THE COUNCIL

SECTION 1. The Hualapai Tribal Council shall have the following powers:

(a) To represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this Constitution and By-laws or the Constitution and Statutes of the United States.

(b) To negotiate and make contracts with the Federal, State and local governments.

(c) To advise the Secretary of the Interior or his representative on all activities that may affect the Hualapai Reservation, and on all appropriation estimates and Federal projects for the benefit of the Tribe before such estimates and projects are submitted to the Bureau of the Budget and to Congress.

(d) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as such approval is required by Federal law.

(e) To veto the sale, disposition, lease or encumbrance of tribal lands, tribal funds or other tribal assets that may be authorized by any agency or employee of the Government.

(f) To protect and preserve the wildlife and natural resources of the Tribe; to regulate hunting and fishing on the Reservation.

(g) To cultivate Indian arts, crafts and cultures.

(h) To administer charity.

(i) To regulate the use and disposition of tribal property.

(j) To negotiate and issue leases for business and home site purposes; to regulate by ordinance, subject to review by the Secretary of the Interior, the licensing of non-members doing business within the reservation.

(k) To grant or lease any portion of the Reservation, or grant the right to the use of lands or other assets, or to grant or relinquish water or mineral rights, or other natural or fiscal assets, or any other assets whatsoever of the Hualapai Reservation; provided, that all other sales or exchange of tribal lands shall be reserved to the sanction of the Tribe.

(l) To manage all tribal economic affairs and enterprises in accordance with the terms of the Corporate Charter of the Tribe.

(m) To levy and collect taxes.

(n) To appropriate and regulate the use of tribal funds.

(o) To enact ordinances, subject to review by the Secretary of the Interior, establishing and governing tribal courts and law enforcement on the Reservation; regulating domestic relations of members of the Tribe, but all marriages shall be in accordance with State laws; providing for appointment of guardians for minors and mental incompetents; regulating the inheritance of real and personal property of members of the Tribe within the Reservation; and providing for the removal or exclusion from the Reservation of any non-member of the Tribe whose presence may be injurious to the people of the Reservation.

(p) To enact ordinances governing the activities of voluntary associations consisting of members of the Tribe organized for purposes of cooperation or other purposes.

(q) To regulate its own procedures; to appoint subordinate committees, commissions, boards, tribal officials and employees not otherwise provided for in this Constitution and By-laws, and to prescribe their salaries, tenure and duties; to charter and to regulate subordinate organizations for economic and other purposes.

(r) The Council may exercise such further powers as may be delegated to the Hualapai Tribe by the Secretary of the Interior or by any other qualified official or agency of the Government.

(s) The foregoing enumeration of powers shall not be construed to limit the powers of the Hualapai Tribe, and such powers may be exercised through the adoption of appropriate by-laws or constitutional amendments.

ARTICLE VII — REVIEW BY THE SECRETARY

Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be presented to the administrative officer in charge of the Reservation who shall, within 15 days of receipt, approve or disapprove the same.

If the administrative officer in charge of the Reservation shall approve any ordinance or resolution, it shall thereupon become effective, but he shall submit a copy of the same, bearing his endorsement, to the Secretary of the Interior who may, within ninety days from the date of enactment, rescind the said ordinance or resolution for any cause by notifying the Council of such rescission. If the Secretary shall fail to act within the 90-day period, the ordinance or resolution shall remain in effect as of the date of the Superintendent's approval.

If the administrative officer in charge of the Reservation shall refuse to approve any resolution or ordinance submitted to him within 15 days after receipt by him, he shall advise the Council of his reasons therefor. If those reasons appear insufficient to the Council, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior who may, within ninety days from the date of its submission to him, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VIII — RIGHTS OF MEMBERS

SECTION 1. All members of the Hualapai Tribe shall be accorded equal political rights and equal opportunities to participate in the economic resources and activities of the Tribe, and no person shall be denied freedom of conscience, speech, association or assembly, or the right to petition for the redress of grievances.

ARTICLE IX — REMOVAL AND RESIGNATION FROM OFFICE

SECTION 1. If a member of the Council fails or refuses to attend two regular meetings in succession, unless excused due to illness or other causes for which he cannot be held responsible, or shall be convicted of a felony or of a misdemeanor involving moral integrity, his office shall be declared forefeited by a resolution of the Council, and a special election called by the Council shall be held to replace him.

SEC. 2. If a member of the Council shall fail in the performance of the duties assigned him, he may be subject to recall. The Council may by a two-thirds vote, after affording the accused member a fair opportunity to be heard in his own defense, require such member to stand for re-election in a special election called for that purpose.

SEC. 3. Any councilman resigning or taken by death out of office shall be replaced at the next general election of councilmen. If so desired, the Council may fill such position by a majority vote until the time of the said election.

SEC. 4. The members of the Tribe shall have the power to remove or reinstate any member of the Hualapai Tribal Council by filing a petition with the Secretary of the Tribal Council, signed by at least seventy-five qualified voters, asking for the removal or reinstatement of said member of the Tribal Council: Provided, That no such person may be removed or reinstated except at a special election which shall be held within 30 days after the filing of the petition.

ARTICLE X — RESERVATION LAND

SECTION 1. The Reservation land shall as a whole remain tribal property and shall not be divided by allotment of any parts to individuals or groups of individuals as private property that could be sold at will; but assignment of land for private use may be made by the Council in conformity with ordinances which may be adopted on this subject, provided the rights of the members of the Tribe be not violated.

ARTICLE XI — REFERENDUM

SECTION 1. Upon a petition of at least thirty percent of the eligible voters of the Tribe, or upon the request of the majority of the members of the Tribal Council, any enacted or proposed ordinance or resolution of the Tribal Council shall be submitted by the Council to popular referendum and the vote of the majority of the qualified voters in such referendum shall decide whether the ordinance or resolution shall thereafter be in effect, provided, that thirty percent or more of the eligible voters shall vote in such referendum, and provided that such action is favorably reviewed by the Secretary of the Interior where Secretarial review is required.

ARTICLE XII — AMENDMENTS

SECTION 1. This Constitution and By-laws may be amended by a majority vote of qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the Council, or upon presentation of a petition signed by one-third of the qualified voters of the Tribe.

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BY-LAWS OF THE HUALAPAI TRIBE OF ARIZONA

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The Chairman of the Council shall preside over all meetings of the Council, shall perform all duties of a Chairman and exercise any authority given him specifically by the Council or by a general meeting of the Tribe. The Chairman shall have power to vote.

SEC. 2. The Vice-Chairman, in the absence of the regular Chairman, shall preside and shall have all powers, privileges and duties of the Chairman. He shall have power to vote at any meeting.

SEC. 3. The Secretary shall conduct all tribal correspondence and it shall be his duty to submit promptly to the administrative officer in charge of the Reservation and other appropriate offices of the Bureau of Indian Affairs, copies of all minutes of regular and special meetings of the Council as well as copies of all resolutions and ordinances adopted by the Council. If the Secretary is a member of the Council he shall have power to vote at any meeting.

SEC. 4. The duties of the Treasurer shall be as follows:

(a) He shall accept, receipt for, keep and safeguard all funds in the custody of the Council. He shall deposit all such funds as directed by the Hualapai Council and shall keep accurate record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his custody to the Council at regular meetings and at such other times as requested by the Council. He shall not pay or disburse any funds in custody of the Council except when properly authorized to do so by the Council.

(b) The books and records of the Treasurer shall be audited at least once a year by a competent auditor employed by the Council, and at such other times as the Council may direct.

(c) The Treasurer shall be required to give a surety bond satisfactory to the Council and the Commissioner of Indian Affairs or his authorized representative.

(d) All checks shall be signed by the Treasurer or by some other person designated by the Council.

(e) If the Treasurer is a member of the Council he shall have the power to vote at any meeting.

ARTICLE II — QUALIFICATIONS OF COUNCILMEN

SECTION 1. Any member of the Tribe shall be qualified to be a candidate for election to the Council who has reached the age of twenty-five years and who is a resident of the Reservation. No person who has been convicted of a felony, or who within the last year preceding the election has been convicted of a crime involving moral integrity shall be eligible to hold office in the Council. The following crimes and no others shall be considered crimes involving moral integrity: adultery, bribery, embezzlement, extortion, fraud, forgery, misbranding, perjury, and theft.

ARTICLE III — MEETINGS OF THE COUNCIL

SECTION 1. At the first meeting of the Council after a regular election, the Council shall see that all members have a correct and clear understanding of the Constitution and By-laws and the management of the tribal and Reservation affairs, as well as the rules for conduct of their own body.

SEC. 2. Regular meetings of the Council shall be held on the first Saturday of each month at 9:00 o'clock A.M. at Peach Springs, Arizona, or at such other place as may be designated by the Chairman. In case the time of the regular Council meeting on the first Saturday of each month should conflict with a National, State, or Tribal election, or shall fall on a holiday, the meeting shall be held on the following Saturday.

SEC. 3. Special meetings of the Council may be called by the Chairman, or the Chairman shall call a special meeting upon the written request of three or more members of the Council.

SEC. 4. In the conduct of business, recognized rules of order shall apply. Voting at the Council meetings may be by voice, but at the discretion of the Chairman, or upon the request of any two members of the Council, a secret vote shall be taken.

SEC. 5. Matters of business for the Council shall be decided by a majority vote. A quorum (a number competent to transact business) of the Council shall be if six or more members are present.

SEC. 6. In any matter coming before the Council which involves the Indian Bureau or any person or company, no member of the Council that may be permanently connected with the party so involved shall be permitted to vote without a special consent of the remaining members of the Council.

ARTICLE IV — MEETING OF THE TRIBE

SECTION 1. The Council may from time to time call meetings of all voters of the Tribe to lay before them such matters as may come before such a general meeting. A general tribal meeting shall be held at least once a year at which meeting the nomination and election of councilmen shall be held.

ARTICLE V — LAW AND ORDER

SECTION 1. It shall be the duty of the Council to provide through the necessary by-laws or ordinances for the establishment of a tribal court upon the Reservation.

SEC. 2. This court shall have jurisdiction of such petty offenses not falling within the exclusive jurisdiction of the Federal or State courts, as may be enumerated in the ordinances or by-laws of the Tribe.

SEC. 3. This court shall have jurisdiction over all disputes between Indians on the Reservation.

SEC. 4. The duties, jurisdiction, and procedure of this court shall be more fully set forth by by-laws or ordinances.

SEC. 5. The judges of this court shall be appointed by the Tribal Council.

SEC. 6. It shall be the duty of the Council to establish by ordinances a tribal police force. Such ordinances shall outline in detail the authority and duties of such tribal police force and the manner in which such police force shall function. Members of the police force shall be selected by the Council.

ARTICLE VI — FEDERAL EMPLOYEES

SECTION 1. The Council may request the administrative officer in charge of the Reservation to furnish it with the names of all civil service probationers or temporary employees under civil service regulations on the Hualapai Reservation that are nearing the end of their probation periods, and may advise with the administrative officer in the matter of their being given permanent positions as civil service employees on the Reservation.

ARTICLE VII — ADOPTION

SECTION 1. This revised Constitution and By-laws, when adopted by a majority vote of the qualified voters of the Hualapai Tribe of the Hualapai Reservation, voting at a special election called by the Secretary of the Interior, in which at least thirty percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

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CERTIFICATION OF ADOPTION

Pursuant to an order approved August 23, 1955, by the Assistant Secretary of the Interior, the attached amended Constitution and By-laws was submitted for adoption to the qualified members of the Hualapai Tribe of the Hualapai Reservation, Arizona, and was on October 22, 1955, duly adopted by a vote of 90 for and 17 against, in an election in which at least thirty percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

RUPERT PARKER
President, Hualapai Tribal Council

MARJORIE QUERTA
Secretary, Hualapai Tribal Council

AUSTIN F. LADD
Administrative Officer in Charge, Hualapai Reservation.

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I, WESLEY A. D'EWART, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat.

984), as amended, do hereby approve the attached amended Constitution and By-laws of the Hualapai Tribe of the Hualapai Reservation in Arizona, to be effective as of October 22, 1955, the date on which it was adopted by the tribal members.

All rules and regulations heretofore promulgated by the Department of the Interior or by the Bureau of Indian Affairs, so far as they may be incompatible with any of the provisions of the said amended Constitution and By-laws, are hereby declared inapplicable to the Hualapai Tribe of the Hualapai Reservation in Arizona.

All officers and employees of the Department of the Interior are ordered to abide by the provisions of the said amended Constitution and By-laws.

Approval recommended: December 29, 1955.

GLENN L. EMMONS
Commissioner of Indian Affairs

WESLEY A. D'EWART
Assistant Secretary of the Interior.

[SEAL]

Washington, D.C., January 16, 1956.

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CORPORATE CHARTER OF THE FORT McDOWELL MOHAVE-APACHE COMMUNITY OF ARIZONA

Ratified June 6, 1938

Whereas the Fort McDowell Mohave-Apache Community of the Fort McDowell Indian Reservation is a recognized Indian tribe organized under a constitution and by-laws ratified by the Community on October 3, 1936, and approved by the Secretary of the Interior on November 24, 1936, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Community have petitioned that a charter of incorporation be granted to such Community, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Fort McDowell Mohave-Apache Community of the Fort McDowell Indian Reservation to be effective from and after such time as it may be ratified by a majority vote at an election in which at least 30 per cent of the adult Indians living on the reservation shall vote.

1. Corporate Existence and Purpose. In order to further the economic development of the Fort McDowell Mohave-Apache Community of the Fort McDowell Indian Reservation in Arizona by conferring upon the said Community certaincorporate rights, powers, privileges and immunities; to secure for the members of the Community an assured economic independence; and to provide for the proper exercise by the Community of various functions heretofore performed by the Department of the Interior, the aforesaid Community is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Fort McDowell Mohave-Apache Indian Community."

2. Perpetual Succession. The Fort McDowell Mohave-Apache Community shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Fort McDowell Mohave-Apache Community shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Community as provided by its duly ratified and approved constitution and by-laws.

4. Management. The Council of the Fort McDowell Mohave-Apache Community established in accordance with the said constitution and by-laws of the Community, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Community, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Community, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by its constitution and by-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Community of any land, or interests in land, including water rights, oil, gas, and other mineral rights, now or hereafter held by the Community.

(2) No leases or permits (which terms shall not include land assignments to members of the Community) covering any land or interests in land now or hereafter held by the Community within the boundaries of the Fort McDowell Indian Reservation shall be made by the Community for a longer term than ten years, and all such leases and permits must be approved by the Secretary of the Interior or by his duly authorized representative; but leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(3) No action shall be taken by or in behalf of the Community which in any way operates to destroy or injure the Community grazing lands or other natural resources of the Fort McDowell Indian Reservation. All leases, permits and contracts relating to the use of Community grazing lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or contract whether or not such agreement requires the approval of the Secretary of the Interior, and violations of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Community and to use such funds directly for productive Community enterprises, or to loan money thus borrowed to individual members or associations of members of the Community: Provided, That any indebtedness to which the Community may subject itself, other than indebtedness to the Indian Credit Fund, shall be subject to the express approval of the Secretary of the Interior.

(d) To engage in any business that will further the economic well-being of members of the Community and to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(e) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Arizona, including agreements with the State of Arizona for the rendition of public services: Provided, That any contract involving payment of money by the corporation in excess of $2,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(f) To pledge or assign chattels of future Community income due or to become due to the Community: Provided, That such assignments of Community income, other than assignments to the United States, shall not extend more than ten years from the date of execution and shall not cover more than one-half the net tribal income from any single source in any one year: And provided further, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(h) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Community or by the United States to the levy of any judgment, lien or attachment upon the property of the Community other than income or chattels specially pledged or assigned.

(i) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon the request of the Community Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b), (2), 5 (c), 5 (e), 5 (f) and 5 (g), of this Charter, the Secretary of the Interior, if he shall approve such request shall thereupon submit the question of such termination to the Community for a referendum vote. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 per cent of the adult members of the Community residing on the reservation shall vote. If at any time after ten years from the effective date of this Charter, such request shall be made and the Secretary shall disapprove such request or fail to approve or disapprove it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Community Council to popular referendum of the adult members of the Community actually living within the reservation and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. Corporate Income. No property rights of the Fort McDowell Mohave-Apache Community, as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the Community ownership of unalloted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Community shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Community shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Community may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Community and may use all profits of corporate enterprises or income over and above sums necessary to defray corporate obligations for the establishment of a reserve fund, the construction of public enterprises, the expense of Community Government, the needs of charity, or other corporate purposes. No per capita distribution of any assets of the Community shall be made.

9. Corporate Accounts. The officers of the Community shall maintain accurate and complete public accounts of the financial affairs of the Community which shall clearly show all credits, debts, pledges and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Community to the Commissioner

of Indian Affairs. The Treasurer of the Community shall be the custodian of all moneys which come under the jurisdiction or control of the Community Council. He shall pay out money in accordance with the orders and resolutions of the Council,and no disbursements shall be made without the signature or approval of the Treasurer. He shall keep accounts of all receipts and disbursements and shall make written reports of same to the Community Council at each regular and special meeting. He shall be bonded in such an amount as the Council by resolution shall provide, such bond to be approved by the Commissioner of Indian Affairs. The books of the Treasurer shall be audited at the direction of the Council or of the Commissioner of Indian Affairs, and shall be open to inspection by members of the Community or duly authorized representatives of the Government at all reasonable times.

10. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Council which if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 per cent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Fort McDowell Mohave-Apache Community living on the Fort McDowell Indian Reservation provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent in charge of the Fort McDowell Indian Reservation and the President of the Fort McDowell Mohave-Apache Community.

Submitted by the Assistant Secretary of the Interior for ratification by the Fort McDowell Mohave-Apache Community of the Fort McDowell Indian Reservation.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

Washington, D.C., April 26, 1938.

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CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on April 26, 1938 by the Assistant Secretary of the Interior to the Fort McDowell Mohave-Apache Community of the Fort McDowell Indian Reservation, was duly submitted for ratification to the adult Indians living on the reservation and was on June 6, 1938 duly approved by a vote of 71 for, and 4 against, in an election in which over 30 per cent of those entitled to vote cast their ballots.

SAM WILSON,
President, Fort McDowell Mohave-Apache Community.

H. E. ROBINSON.
Superintendent, Pima Agency.

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CONSTITUTION AND BY-LAWS OF THE FORT McDOWELL MOHAVE-APACHE COMMUNITY, ARIZONA

Approved November 24, 1936

PREAMBLE

We, the people of the Fort McDowell Band of Mohave-Apache Indians, in the State of Arizona, in order to improve and promote our general welfare and to provide means for the orderly transaction of tribal business and free expression of the tribal will, under the act of Congress granting us the authority for home rule, do ordain and establish this Constitution for the government of the Fort McDowell Mohave-Apache Community.

ARTICLE I — TERRITORY

The jurisdiction of the Fort McDowell Mohave-Apache Community shall extend to all lands within the boundaries of the Fort McDowell Indian Reservation, established pursuant to Executive Order of September 15, 1903, and the act of August 23, 1904 (28 Stat. 491), and to such other land as may in the future be added thereto.

ARTICLE II — GOVERNING BODY

SECTION 1. The governing body of the Fort McDowell Mohave-Apache Community shall be known as the Mohave-Apache Community Council.

SEC. 2. The Council shall be composed of five members who shall be elected by the qualified voters of the Fort McDowell Mohave-Apache Community.

SEC. 3. The first election of members of the Council shall be called by the Secretary of the Interior within sixty days after the adoption and ratification of this Constitution.

SEC. 4. The Council members then elected shall agree among themselves or draw lots so as to provide that three members of the Council shall serve for one year and two members for two years.

SEC. 5. Thereafter members of the Council shall serve for two years, three to be elected at the end of the first year and two members the following year.

SEC. 6. The election of the Council shall be held each year on the same month and day of the first election, or if such date falls on Sunday or legal holiday then, on the following day.

SEC. 7. The Council shall at its first meeting elect from within its membership a President and Vice-President, and, from within or outside of its own membership, a Secretary and Treasurer.

ARTICLE III — MEMBERSHIP IN THE COMMUNITY

SECTION 1. All persons whose names appear on the Fort McDowell Indian Reservation census roll of 1934 shall be members of the Community, provided that corrections may be made in this roll by the Community Council, with the approval of the Secretary of the Interior, within two years after the approval of this Constitution.

SEC. 2. All descendants of members shall be entitled to membership in the Community if they are of at least one-quarter (¼) degree of Indian blood.

SEC. 3. Any person of Indian blood who has resided within the Fort McDowell Indian Reservation for at least three years and whose name does not appear on any other reservation roll may be granted membership in the Community by a majority vote of the Council and upon the approval of the Secretary of the Interior.

ARTICLE IV — POWERS OF THE COUNCIL

SECTION 1. Powers not subject to review.—The Fort McDowell Mohave-Apache Community Council shall exercise the following powers subject to any limitations imposed by the statutes or by the Constitution of the United States and subject further to all expressed restrictions upon such powers contained in this Constitution.

(a) To prevent the sale, disposition, lease, or encumbrance of Community lands, interests in lands, or other Community assets without the consent of the Community.

(b) To negotiate with the Federal, State, and local governments on behalf of the Fort McDowell Mohave-Apache Community.

(c) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(d) To advise the Secretary of the Interior and Congress of its wishes with regard to Federal projects or appropriations for the benefit of the Fort McDowell Mohave-Apache Community.

(e) To appoint subordinate boards and officers and presribe their duties and powers.

(f) To regulate its own procedure.

(g) To provide for the manner of conducting elections.

(h) To regulate the domestic relations of members of the Community.

(i) To pass ordinances or resolutions incidental to the exercise of any of the foregoing powers.

SEC. 2. Powers subject to review.—The Fort McDowell Mohave-Apache Community Council shall likewise exercise the following powers subject to review by the Secretary of the Interior.

(a) To remove or exclude from the territory of the Community non-members whose presence may be injurious to the peace, health or welfare of the Community.

(b) To levy dues, fees, and taxes on members of the Community and non-members residing within the reservation, and to require members of the Community to contribute labor for public work and enterprises.

(c) To provide for the appointment of guardians for minors and mental incompetent.

(d) To administer all Community lands and Community property.

(e) To establish and regulate subordinate organizations for business purposes.

(f) To appropriate money out of available Community funds for salaries of Community officials and for other expenses of public business.

(g) To recommend the appropriation of tribal and other funds within the control of Congress or of the Secretary of the Interior.

(h) To lay down criminal and civil codes of ordinances governing the conduct of members of the Community and non-member Indians of the Community.

(i) To establish a Community court.

SEC. 3. Manner of review.—Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within two weeks (14 days) thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Mohave-Apache Community Council of such rescission.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within two weeks (14 days) after its enactment, he shall advise the Mohave-Apache Community Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 4. Future powers.—The Fort McDowell Mohave-Apache Community Council may exercise such powers as may in the future be delegated to the Community by the Secretary of the Interior, or by any other duly authorized official or agency of the government.

SEC. 5. Reserved powers.—Any rights and any powers heretofore vested in the Fort McDowell Band of Mohave-Apache Indians shall not be abridged by this article, but may be exercised by the people of the Fort McDowell Mohave-Apache Community through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE V — ELECTIONS

SECTION 1. Right of suffrage.—All adult members of the Community, male or female, who have attained the age of twenty-one (21) years and have resided on the Fort McDowell Indian Reservation for a period of six months immediately preceding the election shall have the right to vote in any election held under this Constitution.

SEC. 2. Manner of making nominations.—The manner of making nominations and holding elections shall be determined by appropriate ordinances or by-laws.

SEC. 3. Vacancies.—When a Councilman is removed for cause, or resigns, or otherwise ceases to hold office, the Community shall elect a successor at a special election called by the Community Council, to be held within thirty (30) days after the occurrence of the vacancy. The said successor shall hold office until the expiration of the regular term of his or her predecessor whose place he or she has taken.

ARTICLE VI — SUSPENSION FROM OFFICE

SECTION 1. Suspension from office.—Any public official of the Fort McDowell Mohave-Apache Community who is indicted in a Federal or State court or convicted in an Indian court of bribery or any other serious offense, shall automatically be suspended from office. The remaining members of the Council shall investigate and judge whether the crime is serious enough to justify impeachment proceedings or whether the suspended official should be reinstated.

SEC. 2. Impeachment.—Any public official of the Fort McDowell Mohave-Apache Community who is proven guilty of improper conduct or gross neglect of duty may be expelled by a majority vote of the Community Council voting in favor of such expulsion, provided that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated Council meeting. It is further stipulated that any such member shall be given a written statement of the charges against him or her at least five days before the meeting at which he or she is to appear.

Where the Council is sitting for impeachment purposes, all parties shall be under oath or affirmation.

SEC. 3. Recall.—(a) Every person elected to a Community office by Indians of the Fort McDowell Mohave-Apache Community is subject to recall from such office by the qualified voters of the Community. Such number of said voters as shall equal forty per centum of the number of votes cast at the last preceding general election may, by petition, which shall be known as a "Recall Petition", demand his or her recall.

(b) Every recall petition must contain a general statement, in not more than two-hundred words, of the grounds of such demand and must be filed at the office of the Fort McDowell Mohave-Apache Community Council. Each signer of such recall petition must add to his or her signature the date of his or her signing the said petition. The person circulating such petition must make and subscribe an oath on each sheet that the signatures thereon are genuine.

(c) If said officer offers his or her resignation it shall be accepted. If he or she does not resign within ten (10) days after a recall petition is filed, a special election shall be ordered held, not less than twenty or more than thirty days after such order, to determine whether such officer be recalled. On the ballots at said election shall be printed the reasons as set forth in the petition, and, in not more than the same number of words, the officer's justification of his or her course in office. He or she shall continue to hold office until the result of the said election shall be officially declared.

(d) No recall petition shall be circulated more than thirty days, and shall be filed at the office of the Mohave-Apache Community Council ten days thereafter.

SEC. 4. Removal of appointed officials.—Any officer or board appointed by the

Mohave-Apache Community Council may be removed or discharged by a majority vote of the Council. Any such officials shall be removed for cause only.

ARTICLE VII — REFERENDUM

At least twenty percent of the qualified voters of the Fort McDowell Mohave-Apache Community on petition shall have the right to demand a referendum on any enacted or proposed ordinance or resolution of the Mohave-Apache Community Council, the vote of the majority of the qualified voters in such referendum to be conclusive and binding on the Council.

ARTICLE VIII — AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Fort McDowell Mohave-Apache Community voting in an election called for that purpose by the Secretary of the Interior provided that at least thirty percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the Council.

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BY-LAWS OF THE FORT McDOWELL MOHAVE-APACHE COMMUNITY

ARTICLE I — DUTIES OF THE OFFICERS

SECTION 1. President.—The President of the Mohave-Apache Community Council shall preside at Council meetings, and shall be the chairman and direct all Council meetings and perform such other duties as the Council may prescribe.

SEC. 2. Vice-President.—The Vice-President shall perform the duties of the President in the absence of incapacity of the President.

SEC. 3. Secretary.—The Secretary shall be the recording and corresponding Secretary and shall keep an accurate record of all matters transacted at Council meetings.

SEC. 4. Treasurer.—The Treasurer shall have the custody of all money that may come under the jurisdiction of the Mohave-Apache Community Council, and shall keep an accurate record as to receipt and distribution thereof, and shall furnish such bond as the Council, with the approval of the Commissioner of Indian Affairs, may require.

ARTICLE II — QUALIFICATIONS OF OFFICE

SECTION 1. No person shall be elected to the Council unless he or she shall be a member of the Community over the age of twenty-one (21) years and shall have been a resident of the Fort McDowell Indian Reservation at least six months immediately preceding the election. Any member of the Mohave-Apache Community Council who is affiliated with any organization or individual, not a member of the Community, shall not vote upon any matters in which such organization or individual has a pecuniary interest, and shall have no vote in matters where any close relative has interest, if in the judgment of the Council, such affiliation shall render him incapable of openly, freely and fearlessly working for the best interests and welfare of the Indians of the Fort McDowell Indian Reservation.

ARTICLE III — ELECTION PROCEDURE

SECTION 1. In case an election is due it shall be the duty of the Community Council to post notices at least thirty days prior to the date of such election, naming the date on which said election is to be held, and all elections shall be held at the Community building, which place shall be within the Fort McDowell Indian Reservation. Ten days after notification the Community Council shall call a meeting for nomination of candidates.

On the date and at the place named, the legal voters of the Reservation shall assemble and one of the Council shall act as temporary Chairman. At once, a permanent Chairman shall be chosen and three tellers who shall be officers and judges of election.

The assembled legal voters of the Fort McDowell Indian Reservation shall then proceed to transact the business for which they have been assembled. Nomination shall be the thing in order. This having been completed, and the nominations having been declared closed, the meeting shall be dismissed. The election shall take place not less than twenty days later, the wishes of the voters being ascertained by means of a secret ballot. The polls shall open at 9 a.m. and close at 2 p.m. the same day. The nominees receiving the largest number of votes cast shall be declared elected. The newly elected members shall be furnished with a certificate of election, to be signed by the permanent Chairman and the three tellers.

SEC. 2. Validity of election.—The Superintendent of the Reservation shall be the judge of the validity and authenticity of the certificates of election presented to him.

ARTICLE IV — CONDUCT OF COUNCIL MEETINGS

SECTION 1. Regular council meetings.—The regular meetings of the Council shall be held on the first Tuesday of each month.

SEC. 2. Special council meetings.—Special meetings of the Council may be held at the call of the President or on application of three members, due notice being given to all members at least three days before such meeting.

SEC. 3. Quorum.—A majority of the members of the Council, one of whom shall be the President or the Vice-President or the Secretary shall constitute a quorum for the transaction of business.

ARTICLE V — ADOPTION OF CONSTITUTION

This Constitution and the attached By-laws, when adopted by a majority vote of the qualified voters of the Fort McDowell Band of Mohave-Apache Indians voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved August 18, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the members of the Fort McDowell Band of Mohave-Apache Indians of the Fort McDowell Reservation and was on October 3, 1936, duly adopted by a vote of 61 for and 1 against in an election in which over 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (49 Stat. 378).

CHARLES DICKENS,
Chairman of Election Board.

GUY PATRICK,
Secretary of the Election Board.

A. E. ROBINSON,
Superintendent.

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I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Fort McDowell Mohave-Apache Community.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and by-laws, are hereby declared inapplicable to the Fort McDowell Band of Mohave-Apache Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended November 13, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

Washington, D.C., November 24, 1936.

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CONSTITUTION AND BY-LAWS OF THE FORT MOJAVE TRIBE OF THE FORT MOJAVE RESERVATION OF ARIZONA, NEVADA, AND CALIFORNIA

Approved May 6, 1957

PREAMBLE

We, the Fort Mojave Tribe having tribal lands in Arizona, California, and Nevada, in order to establish a legal Tribal Council and better exercise the privileges and powers of self-government, in order to use and restore our ancient home in the Mojave Valley of the Colorado River, and to rehabilitate ourselves and fortune after being dislocated by the changed conditions resulting from the construction of Hoover Dam and by the overflows and backwater from Parker Dam and Lake Havasu, and in general to improve our welfare, and to enjoy and maintain our rights and privileges as citizens under the Constitution and laws of the United States of America, do establish this Constitution and By-laws for the Indians of the Fort Mojave Indian Reservation.

ARTICLE I — STATEMENT OF PURPOSE

In our relation to the United States Government, a relation similar to that which a town or a county has to State and Federal Government, our own internal affairs shall be managed, insofar as such management does not conflict with the laws of the United States, by a governing body which shall be known as the Fort Mojave Tribal Council.

ARTICLE II — TERRITORY

The authority of the Fort Mojave Tribe shall extend to the following land areas: the so-called "Military Reserve" set aside by General Orders No. 19 of the War Department of August 4, 1870, containing approximately 5,582 acres, more or less, and the so-called "Hay and Wood Reserve" also defined in said General Orders, containing approximately 9,114 acres, more or less, and the so-called "School Reserve" set aside by Executive Order of March 18, 1903, containing approximately 7,000 acres, more or less, and those lands set aside pursuant to Executive Order of February 2, 1911, containing 17,315 acres, more or less, except the acreage subsequently sold to the Metropolitan Water District which became inundated after the construction of Parker Dam, and further the lands totalling approximately 16 acres, more or less, comprising the Fort Mojave Indian Village, adjacent to the City of Needles, California, which land was purchased with our tribal funds, and finally to such other lands as the United States may acquire for the benefit of the Tribe or the Tribe may subsequently acquire for itself.

ARTICLE III — MEMBERSHIP

SECTION 1. The membership of the Fort Mojave Tribe shall consist of:

(a) All persons of Indian blood whose names appear on the official census roll of the Fort Mojave Indians as of November 1, 1956; Provided, that within seven years after the adoption and approval of this constitution, corrections may be made in said roll by the Tribal Council, subject to the approval of the Secretary of the Interior.

(b) All children of one-fourth degree or more Fort Mojave Indian blood who are born to resident members, and all children of one-fourth degree or more Fort Mojave Indian blood born to non-resident members, provided that declaration of intention to maintain membership of such non-resident children is submitted to the Fort Mojave Tribal Council within one year from the date of birth of such children. The method of declaring intention of membership shall be determined by ordinance of the Council.

SEC. 2. The Council shall have the power to pass ordinances, subject to review by the Secretary of the Interior or his authorized representative, governing future membership, loss of membership, and the adoption of members by the Fort Mojave Tribe.

ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of the Fort Mojave Tribe shall be known as the Fort Mojave Tribal Council and shall consist of seven (7) members.

SEC. 2. The first election of councilmen under the Constitution shall be held within 30 days following the adoption and ratification of this Constitution and By-laws. The three (3) candidates receiving the highest number of votes shall hold office for three years, and two (2) candidates receiving the next highest number of votes shall hold office for two years, and the two (2) candidates who receive the next highest number of votes shall hold office for a period of one year. In each regular election thereafter, candidates shall be elected and shall hold office for a term of three years.

SEC. 3. A Council Chairman and Vice-Chairman shall be elected immediately from the Council membership by the qualified voters of the Tribe at the regular election meetings. The officers so elected shall hold such office for a term of two years, except when term of Council member is less than two years then the term of the elected officer shall not exceed that of the term as Council member. When the term of one of the officers is terminated before he has served two years due to termination of Council membership, or for other reasons, his successor will be chosen at the next regular meeting by the voters, the person receiving the highest number of votes will fill the vacant position for the full term of two years. Either the Chairman or Vice-Chairman may be reelected to successive terms.

SEC. 4. The Council shall choose a secretary and a treasurer from within or outside the Council membership. The Council shall also choose such committees from within or without its membership as may be deemed necessary.

SEC. 5. The members of the Council shall be qualified voters, twenty-one (21) years of age, or over, and members of the Fort Mojave Tribe, and residents of the community.

SEC. 6. Members of the Council shall take office on the first day of the first month after their election.

ARTICLE V — POWERS OF THE COUNCIL

SECTION 1. The Fort Mojave Tribal Council shall have the following powers:

(a) To represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this Constitution and By-laws or the Constitution and statutes of the United States.

(b) To negotiate and make contracts with the Federal, State and local Governments.

(c) To advise the Secretary of the Interior or his representative on all activities that may affect the Fort Mojave Reservation, and on all appropriation estimates and Federal projects for the benefit of the Tribe before such estimates and projects are submitted to the Bureau of the Budget and to Congress.

(d) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, or his designated representative so long as such approval is required by Federal law.

(e) To veto the sale, disposition, lease or encumbrance of tribal lands, tribal funds or other tribal assets that may be authorized by any agency or employee of the government.

(f) To protect and preserve the wildlife and natural resources of the Tribe; to regulate hunting and fishing on the Reservation.

(g) To cultivate Indian arts, crafts and cultures.

(h) To administer charity.

(i) To regulate the uses and disposition of Tribal property and funds.

(j) To negotiate and issue leases, subject to Government approval and form, for business and homesite purposes.

(k) To manage all tribal economic affairs.

(l) To appropriate tribal funds for public purposes, and to borrow money from any source and pledge or assign chattels or future tribal income as security therefor; provided, that the total amount of indebtedness to which the Tribe may subject itself shall not exceed $1,000 except with the express approval of the Secretary of the Interior.

(m) To enact ordinances, subject to review by the Secretary of the Interior, governing the granting of grazing leases, business leases and improvement leases.

(n) To provide for the removal or exclusion from the reservation of any non-member of the Tribe whose presence may be injurious to the people of the Reservation.

(o) To enact ordinances governing the activities of voluntary associations consisting of members of the Tribe organized for purposes of cooperation or other purposes.

(p) To regulate its own procedures, to appoint subordinate committees, commissions, boards, tribal officials and employees not otherwise provided for in this constitution and by-laws, and to prescribe their salaries, tenure and duties; to charter and regulate subordinate organizations for economic and other purposes.

(q) The Council may exercise such further powers as may be delegated to the Fort Mojave Tribe by the Secretary of the Interior or by any other qualified official or Agency of the Government.

SEC. 2. The foregoing enumeration of powers shall not be construed to limit the powers of the Fort Mojave Tribe, and such powers may be exercised through the adoption of appropriate by-laws or constitutional amendments.

ARTICLE VI — REVIEW BY THE SECRETARY

Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation who shall, within twenty days of the enactment thereof, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall submit a copy of the same, bearing his endorsement and the date his signature was affixed thereon, to the Secretary of the Interior who may, within ninety days from the date of enactment, rescind the said ordinance or resolution for any cause by notifying the Council of such rescission. If the Secretary shall fail to act within the 90-day period, the ordinance or resolution shall remain in effect as of the date of the Superintendent's approval.

If the Superintendent shall refuse or fail to approve any resolution or ordinance submitted to him within twenty days after its enactment, he shall advise the Council of his reasons therefor. If these reasons appear insufficient to the Council, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior who may, within ninety days from the enactment date approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VII — RIGHTS OF MEMBERS

All members of the Fort Mojave Tribe shall be accorded equal political rights and equal opportunities to participate in the economic resources and activities of the Tribe and no person shall be denied freedom of conscience, speech, association or assembly, or the right to petition for the redress of grievances.

ARTICLE VIII — ELECTIONS

SECTION 1. General elections to vote for councilmen shall be held every year on the first Saturday in June. The voting place shall be at the Needles Tribal Village.

SEC. 2. Special elections shall be held upon call by the Tribal Council as provided in Article IX, and notice of them shall be given as in the case of general or regular elections.

SEC. 3. All elections shall be announced by special notice posted at least thirty (30) days before the election at the voting places and other public places.

SEC. 4. Nominations shall be made at a general meeting of the Fort Mojave Tribe called for that purpose.

SEC. 5. (a) All elections shall be by secret written ballot. All tribal members, male or female, twenty-one years of age or over, shall be entitled to vote in any elections. The Council shall have power to prescribe ordinances governing the conduct of referendums and elections for councilmen. Such ordinances shall prescribe the duties of the election board, procedures for casting and canvassing resident and non-resident ballots, method for challenging right to vote, conduct, and results of elections; and settlement of any election disputes.

(b) If the Tribal Council shall fail to give the appropriate notice of the election, or in case a regular election has not been held, the Secretary of the Interior, upon the receipt of a petition signed by at least 30 percent of the adult members of the Tribe, shall call such election and shall give 30 days notice, setting the time and place of the election.

ARTICLE IX — REMOVAL AND RESIGNATION FROM OFFICE

SECTION 1. If a member of the Council fails or refuses to attend two regular meetings in succession, unless excused due to illness or other causes for which he cannot be held responsible, or shall be convicted of a felony or a misdemeanor involving moral integrity, his office shall be forfeited, and a special election called by the Council shall be held to replace him.

SEC. 2. If a member of the Council shall fail in the performance of the duties assigned him, he may be subject to recall. The Council may by a two-thirds vote, after affording the accused member a fair opportunity to be heard in his own defense, require such member to stand for re-election in a special election called for that purpose.

SEC. 3. Any councilman resigning or taken by death out of office shall be replaced at the next General Election of Councilmen. If so desired, the Council may fill such position by a majority vote until the time of the said election.

SEC. 4. The members of the Tribe shall have the power to remove or reinstate any member of the Fort Mojave Tribal Council by filing a petition with the Secretary of the Tribal Council, signed by at least 30 percent of the qualified voters, asking for the removal or reinstatement of said member of the Tribal Council; Provided, that no such person may be removed or reinstated except at a special election which shall be held within 30 days after the filing of the petition.

ARTICLE X — REFERENDUM

Upon a petition of at least thirty percent of the eligible voters of the Tribe,or upon the request of the majority of the members of the Tribal Council, any enacted or proposed ordinance or resolution of the Tribal Council shall be submitted to popular referendum and the vote of the majority of the qualified voters in such referendum shall decide whether the ordinance or resolution shall thereafter be in effect, provided, that thirty percent or more of the eligible voters shall vote in such referendum.

ARTICLE XI — AMENDMENTS

SECTION 1. This constitution and by-laws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided, that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the Council, or upon receipt of a petition signed by one-third of the qualified voters of the Tribe.

BY-LAWS OF THE FORT MOJAVE TRIBE OF ARIZONA, NEVADA, AND CALIFORNIA

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The Chairman of the Council shall preside over all meetings of the Council, shall perform all duties of a Chairman and exercise any authority given him specifically by the Council or by a general meeting of the Tribe. The Chairman shall have the power to vote.

SEC. 2. The Vice-Chairman, in the absence of the regular Chairman, shall preside and shall have all powers, privileges and duties of the Chairman. He shall have power to vote at any meeting.

SEC. 3. The Secretary shall conduct all tribal correspondence and it shall be his duty to submit promptly to the Superintendent of the jurisdiction and other appropriate offices of the Bureau of Indian Affairs, copies of all minutes of regular and special meetings of the Council as well as copies of all resolutions and ordinances adopted by the Council. If the Secretary is a member of the Council he shall have power to vote at any meeting.

SEC. 4. The duties of the Treasurer shall be as follows:

(a) He shall accept, receipt for, keep and safeguard all funds in the custody of the Council. He shall deposit all such funds as directed by the Fort Mojave Council and shall keep accurate record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his custody to the Council at regular meetings and at such other times as requested by the Council. He shall not pay or otherwise disburse any funds in custody of the Council except when properly authorized to do so by the Council.

(b) The books and records of the Treasurer shall be audited at least once a year by a competent auditor employed by the Council, and at such other times as the Council may direct.

(c) The Treasurer shall be required to give a surety bond satisfactory to the Council and the Commissioner of Indian Affairs or his authorized representative.

(d) All checks shall be signed by the Treasurer and shall be countersigned by the Chairman of the Council or by some other officer designated by the Council.

(e) If the Treasurer is a member of the Council he shall have the power to vote at any meeting.

ARTICLE II — QUALIFICATIONS OF COUNCILMEN

Any member of the Tribe shall be qualified to be a candidate for election to the Council who has reached the age of twenty-one years and has been a resident of Needles, California, for the past year.

No person who has been convicted of a felony, or who within the past year preceding the election has been convicted of a crime involving moral integrity shall be eligible to hold office in the Council. The following crimes and no others shall be considered crimes involving moral integrity: bribery, embezzlement, extortion, fraud, forgery, misbranding, perjury, and theft.

ARTICLE III — MEETING OF THE COUNCIL

SECTION 1. At the first meeting of the Council after a regular election, the Council shall see that all members have a correct and clear understanding of the constitution and by-laws and the management of the tribal and reservation affairs, as well as the rules for conduct of their own body.

SEC. 2. Regular meetings of the Council shall be held on the second Saturday of each month. In case the time of the regular council meeting on the second Saturday of each month should conflict with a national, state or tribal election, or shall fall on a holiday, the meeting shall be held on the following Saturday.

SEC. 3. Special meetings of the Council may be called by the Chairman, or special meetings may be called by the Chairman upon the written request of three or more members of the Council.

SEC. 4. In the conduct of business, recognized rules of order shall apply. Voting at the Council meetings may be by voice, but at the discretion of the Chairman, or upon the request of any two members of the Council, a secret vote may be taken.

SEC. 5. Matters of business for the Council shall be decided by a majority vote. A quorum (a number competent to transact business) of the Council shall be if four or more members are present, including the Chairman or Vice-Chairman.

SEC. 6. In any matter coming before the Council which involves the Indian Bureau or any person or Company, no member of the Council that may be permanently connected with the party so involved shall be permitted to vote without a special consent of the remaining members of the Council.

ARTICLE IV — MEETING OF THE TRIBE

The Council may from time to time call meetings of all voters of the Tribe for the purpose of receiving reports. A general tribal meeting shall be held at least once a year at the time of the nomination of councilmen.

ARTICLE V — ADOPTION

This constitution and by-laws, when adopted by a majority vote of the qualified voters of the Fort Mojave Tribe of the Fort Mojave Reservation voting at an election called for that purpose by the Secretary of the Interior, provided at least thirty (30) percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of such approval.

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CERTIFICATION OF ADOPTION

Pursuant to an order approved August 13, 1956, by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for adoption to the members of the Fort Mojave Tribe of the Fort Mojave Reservation, Arizona, Nevada, and California, and was on March 16, 1957, duly adopted by a vote of 121 for, and 13 against, in an election in which at least 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

O. GARCIA
Chairman of Election Board

ROBERT JENKINS
Secretary of Election Board

O. GARCIA
Acting Supt., Colorado River Agency

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APPROVAL

I, Hatfield Chilson, Under Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Fort Mojave Tribe of the Fort Mojave Reservation in Arizona, Nevada, and California.

All rules and regulations heretofore promulgated by the Interior Department or by the Bureau of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws, are hereby declared inapplicable to the Fort Mojave Tribe of the Fort Mojave Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended: April 8, 1957

GLENN L. EMMONS
Commissioner of Indian Affairs

HATFIELD CHILSON
Under Secretary of the Interior

[SEAL]

Washington, D.C., May 6, 1957

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AMENDMENT TO THE CONSTITUTION AND BY-LAWS OF THE FORT MOJAVE TRIBE

AMENDMENT I

SECTION 4 of ARTICLE III of the By-laws of the Constitution of the Fort Mojave

Tribe of the Fort Mojave Reservation in Arizona, Nevada, and California shall be amended in its entirety to read as follows:

> ARTICLE III, SECTION 4 (a). In the conduct of business, Roberts Rules of Order shall apply except when they are inconsistent with the express provisions of this Constitution and By-laws. All regular meetings shall be open to all members of the Tribe. Tribal members may participate in the discussion with the consent of the Chairman.
>
> SECTION 4 (b). The order of business at any regular or special meetings of the Tribal Council shall be as follows:
>
> (1) Call to order by the Chairman
> (2) Roll Call
> (3) Reading o f minutes of last meeting
> (4) Unfinished business
> (5) Reports
> (6) New business
> (7) Adjournment
>
> SECTION 4 (c). Voting at the council meetings may be by voice, but at the discretion of the Chairman, or upon request of any two members of the Council, a secret vote may be taken.

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ORDINANCE NO. 1

Leasing and Permitting Tribal Lands on the Fort Mohave Reservation, in Arizona, California, and Nevada

BE IT ENACTED BY THE Tribal Council of the Fort Mohave Tribe of the Fort Mohave Reservation of Arizona, Nevada, and California, that

1. Tribal lands in the Fort Mohave Reservation in Arizona, California, and Nevada may be leased or permitted for business, grazing and agricultural purposes by the Tribal Council, with the approval of the Secretary of the Interior or his duly authorized representative, for such periods of time as are permitted by law.

2. In the leasing of tribal lands, preference shall be given, first to Indian cooperative Associations, and second, to individual Indians who are members of the Tribe.

3. Applications or bids for leases or permits on tribal lands, whether to members of the Tribe or to non-members, must be in writing and be approved by the Tribal Council prior to the execution of the lease contract. All such leases or permits shall be at not less than the appraised fair rental value.

4. All leases and permits issued shall be prepared on forms approved by the Secretary of the Interior or his duly authorized representative.

5. The payment of rentals on tribal lands shall be handled in accordance with leasing regulations governing organized tribes.

6. Grazing lands may be leased and permits issued only in accordance with the general grazing regulations.

CERTIFICATE OF ADOPTION

The foregoing Ordinance was duly adopted on this 12th day of October, 1957, by the Fort Mohave Tribal Council by the affirmative vote of 4 members, pursuant to authority vested in the said governing body of the Fort Mohave Tribe of the Fort Mohave Reservation by Article V, Section 1 (n) of the Constitution and By-laws of the Fort Mohave Tribe. Said Ordinance is effective as of date of approval by the Superintendent of the Colorado River Indian Agency.

FORT MOHAVE TRIBAL COUNCIL

By: FRANCES STILLMAN
Chairman

By: J. DAVIDSON
Secretary

Approved:

JOHN C. DIBBERN
Superintendent

Date: 10/22/57.

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